

California State Archives  
State Government Oral History Program

Oral History Interview

with

**Hon Robert Presley**

California State Senator 1974 1994  
Agency Secretary Youth and Adult Correctional Agency 1999

December 18 2001 April 17 2002  
July 18 2002 June 5 2003  
Sacramento California

By Patrick Ettinger  
Oral History Program  
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## INTERVIEW HISTORY

### Interviewer

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B A University of Notre Dame

M A and Ph D Indiana University

### Interview Times and Places

December 18 2001

Session of one hour

April 17 2002

Session of two hours

\*May 8 2002

Session of one and one half hours

July 18 2002

Session of two hours

June 5 2003 (make up session)

Session of one hour

\*Tapes four and five recorded during the May 8 2002 interview session were inaudible for transcription A makeup interview session to cover materials from that session was held on June 5 2003

All sessions took place in Presley's office in Sacramento

### Editing

Julie Recher transcribed the interview audiotapes Patrick Ettinger checked the verbatim manuscript of the interview against the original tape recordings and edited for punctuation paragraphing and spelling Ettinger prepared the table of contents biographical summary and interview history Senator Presley edited the transcript clarifying some passages and making minor corrections He also verified proper names

### Papers

Robert Presley's papers are located at the California State Archives

### Tapes and Interview Records

The original tape recordings of the interview are in the university archives at CSU Sacramento Master tapes are preserved at the California State Archives

## BIOGRAPHICAL SUMMARY

Robert Presley was born on December 4, 1924, in Tahlequah, Oklahoma, and raised in Oklahoma. After completing high school, he served in the U.S. Army during World War II. He received an A.A. from Riverside City College in Riverside, California, and also attended UCLA, UCR, and the FBI National Academy in Washington, D.C. He holds a lifetime teaching credential in Police Science. Beginning in 1950, he served 24 years with the Riverside County Sheriff's Department, the last 12 years as Undersheriff.

Presley was first elected to the State Senate in 1974. During his tenure in the California State Senate, he served on the Judiciary, Agriculture and Water, Natural Resources, and Budget Committees. In 1985, he was chosen Chairman of the Senate Appropriations Committee. Presley also served on the Joint Legislative Audit Committee and chaired the Joint Legislative Prisons Committee. As a State Senator, Presley carried major anti-crime and prison construction legislation. He also authored air quality legislation, consumer protection laws, legislation to improve children's services, and legislation strengthening disciplinary systems for doctors and lawyers.

After the conclusion of his Senate career in 1994, Presley served as the first Chairman of the Board of the Crime Control Technology Research Center at the University of California, Riverside. In 1995, he was appointed by Governor Wilson as Chairman of the California Youthful Offender Parole Board. In January 1999, Governor Gray Davis appointed Presley as Secretary of the Youth and Adult Correctional Agency. Presley was serving in that position at the time of these interviews.

Session 1 December 18 2001

[Begin Tape 1 Side A]

ETTINGER Today is Tuesday December 18 2001 My name is Patrick Ettinger I m an Assistant Professor of History at Sacramento State University and I m sitting today in the office of former Senator Robert Presley the head of the California Corrections and Youth Administration We re here to conduct an interview as part of the State Government Oral History Program

Senator Presley the best place to begin I guess is to tell me a little bit about when you were born and where and about your parents

PRESLEY I was born on December 4 1924 in Tahlequah Oklahoma My parents were Doyle Presley and Ann Presley both born in that general area of Tahlequah and vicinity I grew up pretty much there through elementary school Then in about my freshman year in high school I went to what they call Haskell Institute in Lawrence Kansas It s a boarding school where people live there in dormitories boys in one and girls in the other I went there for two years the 9th and 10th grades

Then I came back to Tahlequah and went to Central High School there in my 11th and 12th grades. At that time it was right in the middle of World War II so upon graduation they're waiting for you to join the military but they would let you finish high school. As soon as I graduated from high school then I reported for duty in the Army at Fort Sill Lawton Oklahoma.

ETTINGER: What did your father and mother do?

PRESLEY: My mother was a homemaker. She never did basically work out of the home. My dad did some farming and then in his later years most of his later working years he worked for the State Parks Department there in Oklahoma.

ETTINGER: Were they longtime Oklahomans?

PRESLEY: All their life. They were born right in that general area and lived there all their lives. In fact my mother died about two weeks ago. If she had made it to January she would have been 95.

ETTINGER: My goodness. Wow.  
Siblings?

PRESLEY: I have one brother and two sisters.

ETTINGER: And where did you fall in the sequence of children?

PRESLEY: I was the oldest. My brother was next and then my two sisters.

ETTINGER: What do you remember about your early education there and then maybe at the Haskell Institute as well?

PRESLEY Well at Haskell Institute what I remember mostly about it is what would I have been? Maybe 13 or 14 years old I was very homesick I'd gone away from home for the first time in my life and I remember being very homesick But after I got over that I enjoyed the two years a lot there

I especially then enjoyed the second two years of high school because I played sports I wasn't all that big but I made the football team the first team so I played football I tried some basketball but I never could play basketball because I hustled too hard and fouled too much So I had to give it up

ETTINGER A little too aggressive

PRESLEY Yes And that worked well in football One of the problems is you go right from football season into basketball season But I did enjoy a couple of years of football there We all did We had a good team

ETTINGER Did you go to Haskell because it was seen as academically better than your local school?

PRESLEY I'm not even sure I can answer that There were just a number of friends a family had whose kids had gone to Haskell and it was just the thing to do

ETTINGER How far away was it about?

PRESLEY I'm guessing easy 300 miles It was quite a ways You stayed there That's why I was so homesick for a while

ETTINGER But then you came back and finished high school

PRESLEY Yes at Tahlequah Central High School there

ETTINGER What do you recall about your ideas about what you wanted to do when you grew up or your parents' aspirations of you?

PRESLEY My parents' aspirations were not so much what I did but that I got an education. That was just paramount with them that you get educated. My mom used to have a saying that I always remember and that was that. If you get an education, nobody can take that away from you. That's something they can't take away from you. So that was their main objective, not so much what I did but that I got prepared.

I had two interests that I later involved myself in that had the seed planted there, and one was law enforcement. They had a very colorful sheriff there at the time. He was tough. He'd killed a few people and he carried two guns, one on each side. At the time when I was a kid in Tahlequah, Saturday was the big go-to-town day. Everybody was in town on Saturdays, and he was always there. When he walked down the street, people got out of his way. I kind of liked that. I thought, man, that's kind of nice authority to have. Very frankly, that whetted my interest in law enforcement. Of course, he was very respected. Everybody really respected him. Some of it may have been fear, but whatever it was, he was very respected. So that was kind of the interest in law enforcement.

And then in the political arena my grandfather I just wanted to be with him all the time just follow him around And he'd take me around with him all the time He was very patient with me He never held any kind of public office but he knew them all He was always mixing with them He'd take me around and introduce me to somebody who was either an officeholder or they're running particularly during campaigns and they'd give me their cards I thought that was big stuff I'd keep them

At that time too when a person was running for a statewide office that was before television you'd go campaign I mean you'd go meet the people and you'd make the speeches They had a band shell there a big band shell on the courthouse square They all came there If you were running for U S Senate running for governor or whatever you were running for you'd make your speeches from there I used to go listen and I enjoyed that and I'd really listen to them So that was the seed of politics for me

I ended up as it turns out getting involved in both of them law enforcement first and then the politics

ETTINGER Interesting

You said your father was a farmer and being a farmer in Oklahoma in the 1930s was not an enviable thing

PRESLEY Tough times That s right We didn t live very high during that period and I ve talked to people about that One of the main things was we didn t know it because everybody was in the same boat Everybody was having a tough time during that Depression period Like I say we weren t hungry We were comfortable really but in looking back on it we didn t have anything to spare But we didn t know it We were just kids and we didn t know it

ETTINGER You didn t think about following your father as a farmer necessarily?

PRESLEY I had no interest at all Not at all And then I didn t have any interest in the parks or anything like that Nothing my dad did interested me But these two interests came about just because of the reasons that I stated

I had a little interest in medicine At one time I thought I d like to be a doctor and I think the reason that came about is our family physician was social friends of my family and we d have him at our house for Sunday dinner things like that and he used to encourage me and tell my parents all the time that I should be a doctor I had in mind to maybe try to do that then when I went into the service out of high school I was in the Medical Corps That just happened I ended up in the Medical Corps so that additionally whetted my medical appetite I went through a couple of medical technician schools I think they were called while I was in the Army and we were told that that equated to about a year of pre med that you could apply that So that was another encouragement But then as

so often happens I got married along about that time so I just never felt that I could pursue that So I dropped the medical idea right about that point Out of the service then I went into law enforcement

ETTINGER Why Riverside? Is that the place you first went?

PRESLEY Yes That s the first place I went The way that happened was first of all I had been in the service up here at Beale Air Force Base I was there for a short time and that was my exposure to California I didn t know the first thing about California But I had some relatives that lived in Riverside and they had come there during the war when they did a lot of ship work in Long Beach

I was discharged out of the service in January 1946 and what I had intended to do here s what we did We all graduated from high school normally in Tahlequah and we all went to Northeastern State Teachers College That s where most of the graduates end up going to Northeastern State You become a schoolteacher So that s what I was going to do That got sidetracked by the military Then I got discharged in January but it was too late to get in that semester They had just started so I had some time on my hands So I thought I ll go visit my relatives in Riverside and kick around for a little bit and come back here and go to Northeastern That was my plan It just so happened I came here got involved and went into law enforcement

ETTINGER What was Riverside like when you first came?

PRESLEY Oh it was a great city then I remember it very well It was about 35 000 and it was full of orange groves Highway 91 I don t know if you know that area but Highway 91 which is now the Freeway through there at that time it was Magnolia Avenue and went right through the city of Riverside It was just great A great place to live

ETTINGER I know at some point you went to was it Riverside City College?

PRESLEY Yes

ETTINGER Did you do that first before law enforcement?

PRESLEY No I did all of that simultaneously I was working and going to school I finished Riverside City College I don t remember the time but I got an A A degree out of City College And then I went to UCLA and then ended up going to UCR But I never did finish the B A requirements

ETTINGER Well you were married at that point You were working

PRESLEY I was working I wasn t taking full loads like a normal student I was doing what I could handle

ETTINGER Did you begin in the sheriff's office?

PRESLEY Yes

ETTINGER Who was the first sheriff?

PRESLEY The sheriff there at the time was Carl [F ] Rayburn When I went to work there in 1950 he had been sheriff for a number of years And he wasn t there too long after I went there He retired And then the next sheriff was a former FBI agent and his name was Joe [E ] Rice He was a tremendous

sheriff. He was certainly a professional, well qualified law enforcement officer. He was sheriff there for about ten years. And then after that a man by the name of Ben Clark, who was the undersheriff, became sheriff. This other one, Joe Rice, the FBI agent, died in office. And then Ben Clark became sheriff, and he was sheriff when I ran for the State Senate.

ETTINGER: What did you do in the way of training to become a deputy sheriff there?

PRESLEY: City College there also has a program. In fact, I got my degree later in police science, but prior to this, you could take courses there, plus the department had its own training program. That's where you got your training. And I had to take it all, because I didn't know the first thing about it. I'm just going in there a total amateur. I went in and started in a patrol car. I had a partner who had been around about fifteen years, and he was a very good guy to work with. Anyway, I started that way and then, over time, just progressed through the ranks. When I left, I was undersheriff, when I left to run for the Senate.

ETTINGER: Obviously, a lot of your experiences in law enforcement directly and indirectly influenced you by the time you get to the Legislature. I wanted to ask just a little bit more about that period of time in which you were working, from 1950 on through 1970. You worked your way up. Was it always patrol work? Can you give me a little bit more sense of the trajectory?

PRESLEY I started in a patrol car I was in patrol as I recall about two years I always give myself a little credit because even though I was very young I had sense enough to realize when I started I looked around and said to myself You know if you re going to get anywhere in this business you ve got to get really good at some one thing You can t just be a total generalist out here

So I set my sights on being a homicide detective After about two years it was a promotion from patrolman to detective So I was promoted to detective and put into the detective division and then worked general cases But as soon as I got an opportunity I finally got assigned to homicide The guy it was kind of like the one I started with in patrol a very good older guy with a lot of good experience that they partnered me with and he was also a masterful teacher Fortunately for me not long after I went there a year or so he retired I was it I became the homicide specialist Out of all my law enforcement time I think I enjoyed that most I did strictly homicide for about three years

Then though what you have to decide and this is one of the failings I guess of law enforcement is if you get really good at a certain level but if you re going to advance you ve got to move on Although you re very competent and can do an excellent job it s the Peter Principle Have you heard of that?

ETTINGER Yes

PRESLEY As soon as I d get competent I d move to the next level So I started getting promoted All of my promotions sergeant lieutenant captain were all through the detective division So I spent a tremendous amount of time in the detective division

Then by this time I m captain and they asked me then to go to Indio which is down by Palm Springs Not as a promotion but just in grade because they d had some problems there So I went and took that operation over I was there less than a year and then there were some changes in the hierarchy I was promoted then from captain to division chief At that time the department was divided into three sections civil criminal and correctional I was put in charge of the criminal division as division chief I was there for I don t know a couple three years That s when the sheriff the FBI agent died in office The undersheriff was appointed by the board of supervisors as sheriff mid term and then he appointed me undersheriff

ETTINGER There were a lot of bills that you undertook when you became a senator that we ll get to in a minute that affect law enforcement and I m curious they really run the range from sentencing to foster care to domestic abuse What sorts of human experiences as a deputy seemed to have made the deepest mark on you?

PRESLEY I ll tell you one that stands out just off the top of my head immediately is domestic violence When I was in a patrol car I recall very well it was

frustrating because we'd answer these calls where there was a domestic violence problem and you'd go there and he's usually intoxicated. She's cowering over in the corner and maybe marked up. It was tough to handle because at that time and it may still be the case to make an arrest on a misdemeanor the officer had to see it. I think they've broadened that a little bit now but at that time you had to see it. We didn't see the incident so we couldn't arrest him. But she and we'd always advise her of this she could make a citizen's arrest. But you can imagine the responsibility that puts on her. He's the father of the kids, their livelihood, and for her to have him arrested once in a while they'd do it but most of the time they wouldn't and you couldn't fight it.

So we were left most of the time with a solution of just trying to settle it down for the night. Have him go somewhere else and spend the night, get sobered up. But it never worked because invariably a few nights later you'd get another call. He's one of those perennial wife beaters and there didn't seem to be any real solution to it.

So when I came to the Legislature that's when I thrashed around for what to do about that and I came up with the idea of domestic violence shelters where a woman could escape. She could take the kids and go to one of these and escape that environment. She didn't have to prosecute him or anything but while she's there then with some counseling determine what she should do with her life. Do I want to go back and

keeping trying this or do I want to make a break? If she decided to do that they'd help her and help her get trained

We got six of those started initially and I recall it was very tough in the Legislature. There was not any particular interest in that. All the legislators at that point were men and they just thought this was the normal course of events that men and women fight. So it was very, very difficult to get funding. We finally got maybe \$275,000. It wasn't a lot of money but it got them started.

So realizing then that there wasn't a lot of interest in it and you couldn't get a lot of support for it we needed to find another way to fund them. We came up with the idea and introduced a bill to put a surcharge on the marriage license of \$5 to fund the centers. Then every two years every session we'd put another bill in to increase it another \$5. Finally the one that slowed it down was [Governor C. George] Deukmejian. He got to the point where he wouldn't sign them. But [Governor Pete] Wilson did, as I recall. And I think we finally got it up to where whatever the total cost of a marriage license is \$25 went into these domestic violence centers. That's the way we are funding them. That's one that totally came out of my law enforcement experience.

And then the other was a lot of the frustrations in evidence admissibility how you seem to be so handcuffed if that's the word or thwarted. You've got somebody you obviously know is guilty as sin and

there's certain evidence that would prove it but it's inadmissible. I did a lot of work on evidence and sentencing. In '76 I served on a joint committee. I'm getting ahead of myself?

ETTINGER: No, this is great.

PRESLEY: I served on a joint committee to study the sentencing structure: the indeterminate sentence versus the determinate. At that time we had indeterminate. And it was a very controversial area. There were strong arguments on both sides for determinate versus indeterminate. We, on the committee, initially came down on the side of recommending to the full Legislature that we switch to determinate. We had had indeterminate for forty, fifty years. So we did

If it's determinate, you have to have X number of years. We were trying to set those years. We didn't know where to start because it had been indeterminate. So we had them go back and just take all these different offenses: burglary, robbery, whatever, and do an average of how much time they had actually served. That was very illuminating because we found out by doing that that they had served very short periods of time under indeterminate sentencing.

Now [Ronald] Reagan had been governor and because it was indeterminate, he never built any prisons. The way he got out of it is if the prisons would start to fill up, he'd just have what they called the [California] Adult Authority then, just have the Adult Authority parole

some of those people out. So that's what they did and he never had to build a prison.

ETTINGER: That's interesting.

PRESLEY: Anyway, from that, then later on I built a lot of additional legislation on increasing those sentencing penalties.

ETTINGER: Maybe we did just get a hair ahead of ourselves here. I want to talk a little bit about your transition into politics. Obviously, you came at it as somebody with a law enforcement background, but how did you get involved? I guess the first election was 1972. A special election.

PRESLEY: That's when I ran.

ETTINGER: Right, when you first ran. Had you been active in the Democratic Party?

PRESLEY: No. That's a very interesting question, and I've had people ask me that before. Like I said, I'd always had this interest from my grandfather days, you remember, but I hadn't done anything about it. I'm in law enforcement, and in law enforcement they want you to be fair, impartial, neutered in every way, so you're right down the middle on everything. I never did anything in politics, didn't get involved in politics at all. But I had a judge friend down there who, I don't know, he and I just got along well, and he seemed to take an interest in me for whatever reason.

ETTINGER: Who was that?

PRESLEY: David Strausser. He's dead now. Judge David Strausser. I think he was appointed by [Governor] Jerry Brown as a judge. Anyway, before he was

a judge he had run for the Assembly so he was very interested in politics. He encouraged me. I did go to one meeting I can recall with him. I remember it was at the Mission Inn down there some political meeting. He's very involved in it and he's up there speaking and telling them that I'm going to run for office and all of that. Gee whiz. So I'm just sitting there like a dummy. Nothing happened.

Then the senator there this would have been in '72 the senator from there was appointed by [Governor] Reagan to the appellate court as a justice and that opened it up in a special election.

ETTINGER: Who was that?

PRESLEY: Gordon Cologne.

ETTINGER: That's right.

PRESLEY: There was an assemblyman there who had been in the Assembly for about ten years [W] Craig Biddle a Republican. Cologne was Republican so he obviously was going to run and did run.

So I'm sitting there in my office in the courthouse fat dumb and happy and I have this appointment with about half a dozen people and I don't think I knew what it was until they came in. I just knew I had this appointment. It turned out they're from the Democratic Central Committee and they're in there wanting me to run for the State Senate in that special election. I genuinely was flattered that they would ask but I also genuinely thought it was ridiculous because I hadn't done anything. I

explained it to them I said I don't think that I'll work because I haven't worked in the vineyards In fact I told them then I'm not sure I've ever been to a political meeting maybe more than once or twice at the most You've got all these city councilmen school board members and mayors and board of supervisor people all out there in the political world

Anyway we talked and talked around it for about an hour and I thought I pretty much had them talked out of it that it didn't make sense for me to run Then they left A couple of days later though I get another call and they want me to come to a luncheon out at one of the hotels By this time I had thought about it and so I knew what that was they were going to put some more pressure on me to run I just decided if that's what they want and I think it is I'll just do it I'll take a leave of absence here and I'll run If I don't make it I haven't lost anything I'll come back here and be undersheriff

So I went out there Have you ever been in politics at all?

ETTINGER No

PRESLEY I went out to this meeting and there were probably fifty sixty people there at this luncheon They were putting on this rah rah thing that I had to be their candidate and they were going to do all this work for me and they were going to raise all that money I'm about as naive as they come and I sit there and buy every bit of it and say Okay I'll do it

[End Tape 1 Side A]

[Begin Tape 1 Side B]

PRESLEY I decided to do it and it was a pretty knock down drag out campaign because the Republicans were bound and determined that they were going to retain that seat I forget what the registration was but it was fairly close

ETTINGER It was about 50 45 something like that

PRESLEY Somewhere in there The Democrats up here particularly thought it was winnable so it had some interest out of here [Senator] George [R ] Moscone was majority floor leader at the time He got very involved [Senator] George [N ] Zenovich got involved

As the campaign wore on you ve got to remember this was a special election just for this and I m getting to the point where I want to get it over with I m just tired of this stuff I wasn t used to being kicked around in the press

I remember very well one night driving home from some meeting way out in the boondocks late at night and thinking to myself Stupid rascal how could you get involved in something like this? Well by this time it s getting pretty close to the election so I m stuck I ve got to continue it My fear became that I would be defeated so decisively that I d be embarrassed about it But election night it went on into the night before it was decided and I only lost by as I remember a couple of thousand votes I hope I m right about that

ETTINGER That s right

PRESLEY It was close enough that I was anything but embarrassed It was close enough that it didn t cause me to lose interest I don t know what month all of this was taking place but anyway the following January the next election year cycle then I called all these people together by my own initiative I called a meeting and kind of threw it out to them Should I do this again? Well yes rah rah rah Of course I knew that s what they d say That s why I called the meeting My heart was in it a little more and I was a little more experienced At least I had been through one campaign and got a few of the rough edges worn off and was a little more competeable in terms of raising the money

ETTINGER And maybe a little more interest from Sacramento because it had been so close

PRESLEY Yes So as a result this time I barely won but it was even closer

ETTINGER Yes it was about a thousand votes

PRESLEY No 253

ETTINGER Oh wow

PRESLEY It was about four o clock in the morning before they ever settled it The district at that time was part of Riverside County and part of San Bernardino County and there was a certain area in San Bernardino County called Loma Linda Heavily Republican So they bring in these results and I started out like maybe a thousand or so ahead They d bring in these

results and I'd drop a few. Finally we got down to I think three precincts and I was something like 700 ahead. So I asked, "Where are these precincts from?" Loma Linda. I thought, "Oh, no way." But they came in and they cranked them all through and I shook out 253 votes ahead.

So that was my first election and it couldn't be much more close than that.

ETTINGER I was reading the coverage in the *California Journal* about that election and they said that that campaign pitting you against Biddle had more to do with personal appeal than partisan party affiliation or ideology. Do think that was the case in that election? What were the issues?

PRESLEY I remember air pollution was an issue. One of the big mistakes Biddle had made and I had also read this in the *Cal Journal* prior to getting heavily involved in the campaign, he had missed about 40 percent of the major votes. Now I don't know what he was doing, but he wasn't showing up or he wasn't voting. So we made that a big issue. I remember speaking to school groups, teachers. Of course teachers weren't paid much then. I had figured out about how much a senator made and how much a school teacher made. The teachers made something like 50 percent of what a senator was making. So I'd make this point about he missed 40 percent of the votes and I said, "That's about what you get paid." So we exploited that. It's just political crap, but that's what you have to do.

But one of the big issues was air pollution at that time what to do about it Of course crime to some extent Biddle hadn't done a lot in the crime area although he was a former deputy district attorney He had been a prosecutor but he hadn't done a lot After he won in the special election he started getting really involved in the crime issues because he knew me coming from law enforcement I was a real threat in that department By doing that he solidified his endorsements from these law enforcement groups which became quite an embarrassment to me because I'm a law enforcement officer and my colleagues are supporting this guy and he had maneuvered that very artfully What they call PORAC Have you heard of them?

ETTINGER Yes

PRESLEY Peace Officers Research Association of California They were the big ones at that time The California Highway Patrol Association I remember They all ended up endorsing him because they told me they said We can't not endorse him because since he's been elected to the Senate he's just been knocking himself out to be on our side

But anyway in spite of all of that I won by the 253 votes That's about it in terms of the issues Mainly crime air pollution There were probably some other minor ones

ETTINGER I know that year 1974 I guess in the June election Proposition 9 had been on the ballot the Fair Political Practices Act

PRESLEY Right

ETTINGER Was that an issue that seemed important to Riverside voters and did you have to address it in the election?

PRESLEY I don't recall it was a big issue. We may have been involved in some discussions of it, but I don't remember it being a big issue.

ETTINGER Now, Riverside County, as I understand it, and you mentioned this, was gaining in its Democratic registration slowly through the '70s and becoming less of a safe district. And 1974 was, I guess, we could say, not a good year for the Republican Party as an election year.

PRESLEY That was Watergate.

ETTINGER Yes. But maybe you could say something about the district's political climate, as you recall it, in that first election. What was your sense of the political climate there?

PRESLEY My view was and is that it was pretty conservative. Even though I won, I think it was Republican oriented. It was pretty conservative. I don't know if Watergate had a lot of effect. It may have had some, but I don't think it had a lot. I think the thing that made the difference was coming from a law enforcement background, because crime was more of an issue then than it is now, and the reason was, and I remember it very well, crime would go up ten, sometimes fifteen, percent a year. It doesn't do that now. I remember when I was in the sheriff's department, we would just build in our budget an increase of crime, say, of 10 percent.

So crime was a big issue I campaigned as being the Undersheriff of Riverside County I think that had probably more to do with it than anything

ETTINGER So the voters felt a little under siege in terms of crime or violence?

PRESLEY I think so I don't know if they felt under siege but I think they were concerned and they felt having a law enforcement officer in the Legislature was a good thing For that reason I think I picked up a number of Republican votes In fact I picked up Republican votes in all of my re elections thankfully because otherwise it would have been harder for me to make it because almost all during that period the registration was never comfortable

ETTINGER It was never going to be a safe district

PRESLEY That's right I'm not sure what the highest registration was It seems to me as I recall something like 52 percent was about the highest Democrat

ETTINGER That sounds about right

Well then you made the long trip up here to Sacramento in '75 I wonder what you can recall about how it felt to come to Sacramento in 1975 and the political climate here Brown had just been elected for the first term What was that like?

PRESLEY Well I had been in and out of here The California Peace Officers Association had a legislative committee and I was on the legislative

committee We would come up here every month during the legislative session and go over all the law enforcement bills and take positions Once in a while we d come over here to the Capitol Not very often If there was some particular bill that the Association felt strongly about they d want the member of their committee to contact their legislator and try to get them to vote whichever way

So I had just a slight exposure there And then I d come up a couple of times during the campaign and met with some senators

But coming in the Senate I was just naive as they come really I didn t know the process I knew three or four senators but not well I just kind of sat back and observed and kept my mouth shut for a while I think that served me well because I don t think when you come into a situation like that people like to look at you jumping out there as a brash kid on the block like you know everything So I think that served me well

And then there s another thing partially I guess the law enforcement mentality which is kind of black and white not too gray Politics is very gray but law enforcement is more black and white on issues So I think partly that but the most important thing my dad particularly to my brother and I if he said this to us once it seemed like a million times He just drilled it into our heads that our word was our bond If you tell somebody you re going to do something you do it no matter what So I always to this day believe that and feel that

In the Legislature though so much of that is not the case People get pretty slippery But I stuck to that and I think I earned some respect from that The reason I think that is one day I was this was unsolicited John [T] Knox you ever hear that name?

ETTINGER Yes

PRESLEY He was an assemblyman for years out of the Richmond area He was in the Assembly and I was in the Senate but he mentioned to me once he said You know our guys think you re pretty square You re a pretty dependable guy and I hadn t been there very long So I thought well that s a little illuminating that they would even pay attention Anyway that was kind of my indoctrination

Then I got to be pretty good friends as you ever are good friends in politics with [Senator James R.] Jim Mills who was the president of the Senate He gave me an option of committees

ETTINGER And this is in 75 the first session

PRESLEY I don t know if it s right in 75 but right in there It s some point in there I chose Transportation I thought transportation is a very big issue in this state and in Riverside County and San Bernardino County Then I became chairman of Transportation and then he encouraged me to give that up and run for the Rules Committee which I did So I got on the Rules Committee and the president of the Senate is chairman of the Rules Committee Without either one of us really saying so I think he had in

mind that I would be his successor. He'd have me preside once in a while and I hated that. Once in a while I'd do it just because he wanted me to. I don't know if you followed all of that, but at some point in there, he was overthrown by [Senator] David [A.] Roberts.

ETTINGER Right.

PRESLEY This is an interesting thing because he was down in Florida at some transportation conference because Jim was very interested in transportation and that's when they made the move on him. I think they thought he was not being political enough, he was not being partisan enough. Al [Albert S.] Rodda was a senator from Sacramento and he had lost and they thought he hadn't done enough, he was responsible.

Anyway, they decided to move on him. So he rushed back and only four or five of us, by the time he realized what was happening, were still in his camp. As I recall, we went out here to Aldo's Restaurant one night had dinner and thrashed this all through. Getting back to my upbringing, my feeling was I'm going to stay with this guy, I'm loyal to him. He's been good to me and I'm not going to be an opportunist and jump to this other camp. I remember one guy [Senator] Ralph [C.] Dills who'd been there forever and he called me up one day and he said, "Bob, this train's leaving the station and you'd better get aboard."

I said, "Ralph, I can't do it. I'm staying with Jim."

Well, okay, he said, but this train's leaving the station.

They're all trying to tell me You'd better get aboard

Anyway after this meeting at Aldo's then Jim was going to leave there and go to Oakland and meet with [Senator Nicholas D.] Nick Petris who was a well respected Democrat in the caucus He did that and then the next day he called from San Diego and he said I couldn't get a commitment out of Nicky He called him Nicky He said I couldn't get a commitment out of Nicky And he said I think that means I've lost it So he was suggesting to me that he was just going to toss it in He called me because he said Now what you should do meaning me you should call Roberti and tell him that you're coming aboard before he announces

I said No Jim I can't do that That's kind of phony I'm either with you or I'm not

He said Oh you ought to do that

I said No I can't do it

So I went down the drain with Mills

We came up in January and Mills is out and David Roberti is in and they immediately dumped me off of Rules That was one of the first orders of business to get their team together So I'm a little irritated by that but I figured what the heck

[Interruption]

Where was I?

ETTINGER You're up here in January and off the Rules Committee

PRESLEY Yes [Senator] Barry Keene was elected in my place. A couple of days later Barry Keene calls me and he says, "Bob, I think if you call up Robert, you can be chairman of Natural Resources and Wildlife."

I said, "Barry, I don't give a damn whether I'm chairman of anything. I'm not going to do that."

He said, "If you call him up, I think you can be chairman."

I don't do that. I said, "I don't care. I'm a senator. That's all I care about."

So I wouldn't call him. As it turned out, they made me chairman anyway. [Laughter.] It was one of those things where I was supposed to get in line. They made me chairman anyway for whatever reason. I had been chairman of Transportation and then I was chairman of Natural Resources for maybe two or three years.

Then [Senator Daniel E.] Dan Boatwright got in a shouting match with Robert over something and they dumped him as chairman of Appropriations Committee. I didn't seek that. Robert and some others came to my office and asked me if I would be chairman.

ETTINGER That was in the early '80s?

PRESLEY Yes, somewhere in there. That's how I became chairman of Appropriations Committee.

ETTINGER    Getting back to your first session here and getting used to the grayness of politics from the black and white did you arrive with specific goals for that session? Did you have some bills that you were already carrying when you arrived or knew you were going to carry?

PRESLEY    Mainly I wanted to do something about air pollution I felt that I d campaigned on that and it is a problem in that part of the state I can t remember the specifics of the bills but I remember talking to [Senator Randolph] Randy Collier who had been a power around there in the Senate and they had a year or so earlier dumped him out of what they called the Senate Finance Committee at the time So he had gone back then to being chairman of the Transportation Committee I remember talking to him about some of my bills He was very brusque with me like it s a bunch of crap what you re trying to do

My opening wasn t all that smooth I can t remember if we got any of that stuff passed or not I think we did

ETTINGER    In your second session I know you had Senate Bill 156 which was trying to transfer the vehicle inspection authority to the Air Quality Board but I don t think that survived the process

PRESLEY    I don t remember that The big one and I don t remember the year it must have been around 80 maybe by this time but the big one that I carried was setting up the Vehicle [Emissions] Inspection Program It

may have been earlier than that because Jerry Brown was Governor

When did Jerry Brown go in? Seventy five same year as I did

ETTINGER I think it was '78

PRESLEY That sounds about right

ETTINGER I think that Senate Bill 156 was the Vehicle Inspection Program

PRESLEY No the one I'm talking about and I really recall 156 but the one I'm talking about is where we tried to set up the motor vehicle inspection program Prior to that they had these add on smog devices There hadn't been a lot of technology to the engines prior to that Catalytic converter that came later

But one of the big arguments was from the federal level on down you clean up these cars have inspection programs and tune them up get them running cleaner and therefore less smog I was told by people

Don't touch that People are buying their cars like they are buying their guns They don't need anybody to tell them what to do with their cars And they were right

But anyway it had to be done because the federal government by this time was threatening to withhold highway funds from the states if they didn't adopt these kind of programs But that was the toughest bill I think I carried the whole time I was over there It took more work to finally get it through I don't remember the year but the first time we got it all the way to the Senate Floor on the final night of the session and lost

it The opposition was pretty vociferous really and I remember the last night you go to midnight or so and I was looking ahead on the file and I could see at the rate we're going we're taking up these bills this is going to come up about 11:00 at night And I thought If it does that then I won't get the votes on the first roll call and I'll have to work it and then I won't have much time

So four or five in the afternoon I thought I'm going to try to take this one out of order You have to bring it up and get permission So I did that and oh my goodness I made my little pitch and these mikes were going up all over the place and everybody wanted to speak in opposition and we went on there for fifteen or twenty minutes I finally just said Okay just let it go back on the regular file I said We could have taken it up while we've been arguing about it which is true but that wasn't the point They didn't care they just wanted to kill it So we lost it Exactly what I anticipated happened we didn't get enough votes and just didn't have time to work it Then I had to reintroduce it all over again and it took two more years So that bill I spent four years on it

ETTINGER Was the administration working with you on that?

PRESLEY No they were afraid of it When Jerry Brown signed it he was a big one for bill signing ceremonies and this one he signed in the dead of night He didn't want any publicity about it because they were all kind of skittish about it It was very controversial

ETTINGER Any other I guess south land lawmakers that were working with you on that or interested in that issue?

PRESLEY I just don't remember the specifics Oh Walter [M ] Ingalls I remember was one of my assemblymen and I think he was pretty supportive In fact I'm sure he was But the other one was [then Assemblyman] Bill Leonard and I know he wasn't He's never any vote on air pollution Although he came from a very air polluted district he was never a very good vote on air pollution But I think Ingalls was pretty supportive as I recall

ETTINGER When you came up to Sacramento the first time did you bring your own staff with you?

PRESLEY No

ETTINGER Hired up here?

PRESLEY I recall somebody called me I didn't think there was any hurry about the staff and they said You should come up here and at least get a secretary so when you open your office you've got a secretary I'm busy still being undersheriff I was not really that impressed with being a senator to tell you the truth because I didn't know what it was [Laughter ] So I took the time though I flew up here and interviewed some people in Jim Mills' office because I don't think I even had an office yet and selected Ruth Neeley She's deceased now But she became my first secretary And then I built staff after that

One that I pretty much wanted to hire and did hire was a guy named David Townsend. He later became a political consultant. Handled a lot of campaigns and he's still in the business except now he handles public relations stuff. He has done very well. I know I made a little speech one time at his home. We had some kind of a party. He lives out on Fair Oaks. He's got a million dollar home or something or other. I said. In 1975 David Townsend and I both came to Sacramento very poor and I'm still poor. [Laughter]

Anyway I hired him and he became my consultant to the Children and Youth Committee and worked a lot with me on domestic violence. He worked for me a few years. There'd be some election that would come up and somebody would come to me and say. Would you give him a sixty day leave and let him go work this campaign? So we did that for a while and finally he and I both decided that. You like doing this you're good at it just go do it. So that's why he went out and did it on his own then.

ETTINGER: You carried so many bills over the course of your twenty years in the Senate that we're not going to be able to work through them in any detail. But I did notice going through your bill files that although you rather quickly emerged as an advocate on juvenile crime in your first session one of the first bills you carried had to do with parent education classes in

junior and high schools. Say a word about the origins of that and that fight.

PRESLEY That was a bill that I really felt strongly about. I think that comes from my criminal justice background and that was that you'd see so much juvenile crime where it was just totally incompetent or awful parents. A lot of it was because parents didn't know how to be parents. That's mainly the reason why I wanted to do that. I wanted to take around the tenth, eleventh grades and have a course in parenting education. I'd always argue. Hopefully, this is just before they become parents because a lot of them were becoming parents pretty young. I just thought if we could do that and get them better prepared to be parents, that we would have a lot better adjusted kids and hopefully less crime.

The Republicans always opposed that because they felt you should never do anything to interfere with the family unit and I would always say, "You know, I agree with that as long as the family unit is competent, but so many of them aren't. They treat these kids awful, they don't know how to give them any direction. So that was the reason for that bill."

ETTINGER It got scuttled in the Finance Committee but I think it was over the issue of sex education and the Democrats wanting it to get involved with the sex education.

[End Tape 1 Side B]

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[Begin Tape 2 Side A]

ETTINGER Last time we left off you were discussing some efforts in your first term to get parenting classes established in the junior and senior high schools and that was coming out of your sense that juvenile crime was a result from bad parenting

We finished that episode more or less and I'd like to begin today with a discussion on your work as it related to youth in your career It was pretty varied work in the sense that some of it was focused on child welfare issues and some focused on the developments related to juvenile offenders One of the things that you carried in your first session a bill that you carried in your first session that was a very important one was SB 523 which was a bill that came out of the work of the Juvenile Justice Task Force and the bill was designed to allow court discretion regarding the trying of certain juvenile offenders It was trying to give the courts some discretion about whether or not they should be tried as adults and also to try and instill greater accountability of probation tracking

I know it's a lot of water under the bridge in terms of this bill but can you talk a little bit about how that bill came about? Really what I'm

wondering is is this coming out of your recent experience in law enforcement or out of concerns of constituents? Were you on that task force?

PRESLEY I wasn't on the task force no As I can recall what you're talking about it sounds like we were trying to give the court some options I think that was the thrust of that If I recall there were some people and one was a superior court judge His name was [Judge Leonard] Edwards and his dad was a congressman out of San Jose But he was very interested in a lot of these juvenile issues He was doing juvenile justice court work He had talked to me a lot about how the juvenile court needs more discretion because every case is different Each one needs to be addressed individually and they need to have different options

I'm not sure but I think that may have been the thrust of what we were trying to do here I don't recall the specifics of it at all

ETTINGER In looking through your files I noticed that there was correspondence from groups like the Sun City AARP [Association for Retired Persons] these sorts of groups Was this something that you felt as well coming from your constituents in Riverside to focus on juvenile crime per se at that point?

PRESLEY No I don't think it's so much coming from constituents as it was my background again feeling that we really need to do more to enhance the juvenile area in terms of crime prevention and some of the options for the

courts and give the courts some more authority. Most of what I think I was trying to do in the juvenile area was prevention. Like parenting would be a prevention of crime and delinquency.

Now, one of major bills I authored pertained to shifting the emphasis from institutionalizing these kids. Let's say there's some family breakdown, children are in danger of all kinds of criminality and problems. What was happening prior to that, police would go there, they'd analyze it and determine, well, we don't think the child is safe in this environment, we'll take it to juvenile hall. And that could be at all ages, some of them very small. And we were spending tremendous amounts of money on institutionalizing a lot of these children.

So, the thrust of this bill was that we give more authority to the social worker that's handling these cases, make them kind of a gatekeeper and change the system from expending so many resources on institutionalizing them to directing those resources through social workers working with the family and with the child and try to make that family unit work so that the child can succeed within the family unit rather than being institutionalized. That was the thrust. I've always thought that was a tremendous improvement in the system. It passed and was signed. I can't remember who the governor was, but it was signed. It may have been Deukmejian.

I think it s worked reasonably well except the problem has always been we couldn t get the resources to get the people in there to do the work And the other problem was we couldn t get the resources to get them appropriately trained because it gave the social worker terrific responsibility Say you and your wife are here and you ve got this little 5 8 year old 10 year old kid and just all kinds of problems and I m the social worker I have to decide Is it better for us to leave this child here? Are the parents going to harm him? Or is it better to put them in an institution?

So that does put a lot of responsibility on them but I think for the most part if we could have trained them well I think that would have worked quite well But then all we need and it happened a few times is some social worker would make a decision to leave the child with the family and they d end up dead Then there s lots of publicity and the first thing you know people are clamoring that that system doesn t work The only thing I guess it says is the system isn t perfect and sometimes mistakes are made

ETTINGER The Senate Select Committee on Children and Youth in the early 80s took on a project like that and you were kind of leading the way Some of them were foster care reforms to check for child abuse

PRESLEY A lot of stuff in foster care right

ETTINGER I was struck at the political balance that was being struck as you're proposing some things related to juvenile crime that alienated for instance that bill on giving the courts greater leeway it did pretty well in the Senate and then ran into a real roadblock in the Assembly [Senator] Art Torres and others were at the time really kind of resistant to the extensions

How was that as a political process trying to work both sides of that issue where in some cases you had Republican allies and in some cases Democrats?

PRESLEY Yes that was always difficult Of course when you're there over a period of time you get to know the liberal philosophies and the conservative philosophies and in between philosophies that are all there and you can pretty much tell in advance where the votes are going to fall Like when you were saying that Torres was opposed to I'm sure it was because he thought that that's going to be tougher on these kids Well you know he's a liberal He won't do that Whereas if you had say [Senator] H L Richardson he'd want to hang them at the airport So you had those kinds of things to contend with

I think I had some advantage in these areas having been a law enforcement officer and then I think over a little time I developed a lot of trust with these folks It developed mostly because like you said on the one hand having been a law enforcement officer which they would

expect this hard nosed law and order type but yet I d carry this other kind of stuff that you could almost say was liberal or at least progressive or whatever label they wanted to put on it

ETTINGER Domestic violence shelters for instance

PRESLEY That s right And I did that early on almost immediately I even remember carrying a medical marijuana bill and they were all over the map on that I remember [Senator] Milton Marks getting up on the floor Of course he wanted it He s from San Francisco he s liberal He kept saying You ve got to remember who s carrying this bill Senator Presley s carrying this bill! You know Here s this cop [Laughter ]

But anyway I think it s the combination of those sorts of things that made it possible to get some of that stuff done Probably if one had been an ideologue on either side one couldn t have accomplished it

ETTINGER Was there anybody else in the Senate or Assembly that came out of a law enforcement background?

PRESLEY Later on [Senator] Ed Davis When did Ed come in? Ed came in sometime in the 80s He d been the police chief in Los Angeles We were the only two In fact kind of supporting what I just said about a certain amount of trust I ve had people tell me over there at the time they d say I don t know anything about crime I m not even interested in crime What I do on these crime bills I just look and see how you and

Ed Davis voted. Whichever way you voted, that's the way I voted.

[Laughter]

ETTINGER: It seemed like a safe barometer.

PRESLEY: I guess. Well, I thought, That's pretty good. I picked up some votes that way.

ETTINGER: It's not really what we were talking about, but since you mentioned that medical marijuana bill, I looked through the files on that. What were the origins of that? That was somebody in your... ?

PRESLEY: Yes.

ETTINGER: Tell me about that.

PRESLEY: Believe it or not, that guy was in here a week or two ago.

ETTINGER: Paul Johnson?

PRESLEY: Paul Johnson. I think he told me he had just so long to live.

Yes, he was a constituent and he had cancer and he was just horribly sick from chemotherapy, and he had found out that with marijuana it made him a lot less nauseated, and that's why I introduced that.

ETTINGER: And that was in 1979, I think, that that went through.

PRESLEY: It may have been.

ETTINGER: I don't know where that stands in terms of the nation, but I think probably one of the first.

PRESLEY: It had to be one of the first because I remember, to get the marijuana, we had to get it out of someplace in Mississippi, where the federal

government grew it for research purposes We couldn't just get marijuana off the street [Laughter] It was time limited

And then the attorney general had a unit that dealt with that at the time They monitored and supervised it

ETTINGER Let's talk a little bit more about the work related to youth and the bills you carried and the climate of that We talked about foster care reforms tougher child abuse laws In 1984 and 1985 you may recall that the focus in the media the *Los Angeles Times* and others really turned to the problem of missing children and children being victimized pornography prostitution in Hollywood and that sort of thing I'd like to talk a little bit about that work because it ended up tying into concerns about decriminalization of status offenders and a variety of problems

What do you recall that got you interested in that?

PRESLEY You know on that I don't really recall what we did legislatively but I recall I was chairman of the Children and Youth Committee and we went down to Hollywood and got in the car with those vice detectives and rode the streets of Hollywood a good part of the night and saw firsthand what was going on Then the next morning convened a hearing and had a number of witnesses in to talk about what we had just seen the night before

It was really just an awful situation because the vice cops they knew it very well and they'd say These kids all run away from home back in

the Midwest and somehow they find their way to Hollywood. They're going to come to Hollywood and they're going to be a big movie star. It's just totally unrealistic. They get out here and the first thing you know they don't have any money and they're sleeping under a bridge and then somebody is going to do sex with them or they're going to do drugs. It was a sad situation. I don't recall what we did legislatively. I think we tried to do some things.

ETTINGER: Yes, one of the things I know you tried in 1985 and I think it was a bill that was modeled on domestic violence, was a runaway youth demonstration project. Actually, it was passed in '85 and vetoed by Deukmejian. That was about trying to set up runaway centers. And there had been earlier bills about trying to encourage police to take runaways to homeless shelters, those sorts of things.

PRESLEY: Yes. That's kind of coming back now. It was sort of patterned after the adult domestic violence center, right?

ETTINGER: Were there interest groups in your district here in Sacramento or individual stories in the press? What was feeding this?

PRESLEY: There were some interest groups, mostly people that are very involved with these kinds of kids. I remember we even went to one place where they'd let those girls, particularly, come and stay, try to get them off the street. They had a name for it, Children of the Night.

PRESLEY They were down there peddling upstream doing their very best to do good Now those are the kind of people you'd talk to who'd come in to see you They're very sincere they're not political They only have one thing in mind to try to improve this horrendous situation I remember having a lot of discussion with those kinds of people I don't remember much about the press stuff if there was any of that or not There may have been

ETTINGER That hearing in Hollywood did get a lot of coverage It got picked up by the wire services the ride around and that sort of thing But did you and the other legislators you were working with feel like successful accomplishments came out of it? Were there real limits? Was there a frustration on how to deal with the issue? Because the issue of runaway youth was strictly sort of problematic And I think part of it tied back to the was it the 1976 law? Was it related to the decriminalization of status offenses? It was a population that was at risk and yet there was no way to assert control over it really

PRESLEY I can tell you though the evening we spent there was certainly an educational thing and I guess apparently we were successful in doing something and the governor vetoed it But one of the frustrations you mentioned frustrations was these runaways and what do you do about it At that time and I'll bet you it's probably still the case they were flocking into L A and it had become a big problem for them for the police there

They were coming from all over the country and it's probably still the case destroying young lives

ETTINGER Yes I think it's a very interesting period legislatively the late '70s and early '80s A transition period

PRESLEY There was a tremendous transition going on at that time

ETTINGER And yet the issue of youth could be sometimes seen through the prism of predators as potential criminals and then as victims

PRESLEY I don't think there'd been a lot done legislatively in terms of youth at that time prior to that time I recall in my law enforcement days there wasn't much of anything coming along

At that time you had under the five senses I think it is you had to see it hear it all those kind of things before you could make an arrest for a misdemeanor Felony it's different you can do it on reasonable cause Most of those were misdemeanor battery he'd hit her Police couldn't go there on that basis and make an arrest so they'd have to say to her Now you have the right to make a citizen's arrest and they'd tell her what that entailed They always had forms And if she agreed to do that then she could sign the form and then she could just basically you didn't have to be very formal about it but just say You're under arrest I'm turning you over to the police So then they'd take custody because the law said they had no choice They have to take custody of him

And then of course that was just the beginning of the burden for her. Then she has to come down the next day and sign a complaint with the district attorney and then she has to be a witness in court and all the time she's doing this to the father of her kids and probably the only breadwinner in the family. It just was not a workable thing. It was too much. And most of them wouldn't do it, therefore the thing just went on and on. Tonight a couple of nights or a week later it's the same thing.

So that's why I thought something has to be done and that's when we got into the shelters where the police could have an option. The police could take them to one of these shelters, get them out of there. At the shelter they had workers there who could help them and they could advise them. You can cool off. You can think about this a little bit. Do you really want to go back into that environment? If you do, that's your choice. Or if you want to do a separation or a divorce, we here are going to help you train yourself or get employment. You know, a woman got some help where otherwise they were just trapped.

ETTINGER: I remember we talked a little bit about that last time and I remember looking at the files and seeing that certainly this was an issue that got a lot of support from feminists and the Commission on the Status of Women. I was curious about the Peace Officers Association. Was that also something that was pretty well received by them as a piece of legislation?

PRESLEY I don't recall they were very actively involved in that at all

ETTINGER But not resistant to it necessarily?

PRESLEY Yes I think that was it just kind of so so That had to be in the late '70s where even a lot of legislators they just thought that's such a bunch of crap These women they either deserve it or it's something they've got to work out themselves that's not the state's responsibility So it was tough at first it was tough It got easier later on

ETTINGER Was it something that you had to be passionate about on the floor or was it a lot of arm twisting behind the scenes and do you think your law enforcement background carried this?

PRESLEY I think the law enforcement background carried it But somehow I remember this setting up those first six shelters in the Senate Finance Committee I had a difficult time getting \$370,000 to start the centers Just a horrible time Like pulling teeth They didn't want to do it at all but somehow I put together enough votes to get it out of there with the money in it

That's when we struck on this idea Because it's so tough we knew that we're not going to get General Fund money to maintain them That's when we came up with the idea of putting a surcharge on the marriage license Five dollars I think it was And every two years I'd carry another bill to add another \$5 and that went on until Deukmejian finally wouldn't do it anymore I think it got up to about \$25 He vetoed it But

then when Wilson came in we stretched it a little more We got another five dollars I m not sure what it is now but I ll bet it s got to be thirty bucks something like that from the marriage license that goes into that fund

ETTINGER A lot of demonstration projects get floated but that s one that I guess

PRESLEY Yes And it s an issue that caught on all over California Now domestic violence centers are just taken for granted They re there they do good Everybody s trying to fund them whether it s what I m talking about here the state money or whether it s United fund money

ETTINGER I think I d like to make a little transition and talk about something that we started to talk about last time and didn t really get into and that has to do with sentencing reforms Broaden it a little bit We paid I think just glancing attention last time to the determinate sentencing guidelines that came out in 76 You served if I m right on the Joint Committee on Indeterminate Sentencing that helped craft that bill

PRESLEY Right

ETTINGER I d like to know a little bit about that process because of course the very next year you carried a bill SB 709 But let s talk about the 76 guidelines The committee who were the leaders on it and what was the process?

PRESLEY I do remember that As I recall the chairman of that was a guy name of [Senator] John [A ] Nejedly He was a former DA out of Contra Costa County Kind of a moderate guy to be a district attorney He was the

chairman [Senator] Howard Way was a moderate Republican. I can't recall who the others were. But the whole issue during that time was the argument about if it's better to maintain the present system which was indeterminate or all the reasons why you should have a determinate. The reasons were like if an inmate knows he has a certain amount of time he's going to be easier to handle. There were a lot of arguments on both sides.

I think really the reason determinate passed as much as anything is the Legislature felt they had a say because they set those sentences where if it's indeterminate sentences it's pretty much the parole board determining when one is going to be released.

Anyway we got it passed. I think with a reasonably comfortable vote as I remember changing the system. But the question came up. Well if we go to determinate let's take burglary robbery whatever the crime how do we know where to set these sentences? And so the thought was one way is see how much time they're serving now under the indeterminate and everybody was shocked absolutely shocked because it was so short. The sentences were so short.

But that's the system we finally ended up using and that's what we put in the bill and recognizing that they were so short then I immediately introduced a bill. I think we took forty three major felonies and sex crimes and enhanced those sentences across the board. And that was

tough to get through particularly in the Assembly because the liberals didn't want to do it

A little side story here I remember the bill came up one day in that committee Assembly Criminal Justice dominated pretty much by liberals and I'm just as antsy as I can be because I'm supposed to go out and catch a plane and go to L.A. because I'd been invited to go to the Academy Awards Deukmejian was in there That's when he was in the Senate He was in there with some kind of bill and I conned him into taking up my bill [laughter] because he was of course for it strongly for it I think he tried to take it up and they put it over I still had to do it but at least I got to go to the Academy Awards

So then it finally passed and that made a lot of people feel better because that put the sentences more in line where they should be And then we began to see various bills on enhancements for certain crimes One was if you had a half ounce or more of heroin there was an enhancement Deukmejian had the one called Use a Gun Go to Prison There were a number of those along about the same time that I had this sentence enhancement

ETTINGER Did the guidelines that passed in '76 which passed fairly comfortably but were somewhat of a struggle do you think that there was a sense that you had or others had that on this first bill switching over to determinate that

you didn't want to push big numbers on the sentences because that would jeopardize the bill?

PRESLEY I don't think that was it. I think we needed a starting point and somebody said to use some rationality for a starting point and the rationality was This is what they're doing now so we're just going to give the same sentences except they're going to be determinate

ETTINGER The reason I ask is because the bill you carried the next year which is SB 709 which was probably the big workload that you had that second session

PRESLEY That was that forty three

ETTINGER That was the forty three we were just talking about. That drew some fire from liberals. I suppose for the most part that it was premature and that here the year before they just passed determinate and why don't we see how this works? And yet you end up pressing for the bill or were just as adamant that this was a special subset of violent sexual abuse crimes that needed to be upgraded right away. I imagine the big supporters on that were the district attorneys again. Ed Miller out of San Diego

[End Tape 2 Side A]

[Begin Tape 2 Side B]

ETTINGER This is good. It's helpful. Just to put that battle of a crime bill into a little bit of a political context today the Brown Administration was cool to SB 709 at first

PRESLEY They were cool to almost anything in terms of getting tougher on crime  
They were cool to it in the Assembly particularly They had the Criminal  
Justice Committee Alan Sieroty was chairman of it There wasn't  
anybody much more liberal than Alan Sieroty and he was chairman

We always felt if we could get it through that little funnel and get it  
through there and get it out here on the floor or get it into the Assembly  
Ways and Means Committee we had a lot better chance

ETTINGER The state attorney general then still [Evelle J.] Younger was in '77/'78  
gearing up to take on Brown in '78 Did election year politics get  
involved in that anti crime bill a little bit?

PRESLEY I don't recall that although that could have been a factor for Brown  
Could have been I probably wasn't politically sophisticated enough to  
figure that all out at the time

That could have been a consideration when he signed it He didn't  
want to veto it I think Probably if he'd had his druthers without any  
pressures coming anywhere he probably would have vetoed it

ETTINGER I know that his death penalty stance through the '70s was increasingly  
looking vulnerable

PRESLEY That's right But you know speaking of Jerry Brown in spite of  
everything I always liked him I had a lot of respect for his brain power  
He was so smart And he back then got a lot of flak about crime and

prisons and one that he always got flak on which was very undeserved was prison construction

When we did this shifting from the indeterminate to determinate and then we enhanced those penalties anybody with any brains at all could see the prison population's going to increase because we're getting tougher on crime and we're going to need more prisons. I don't know what year late '70s Brown would put in his budget every year \$100 million for prison construction. Now that doesn't seem like much now but in the late '70s that was a lot of money. And I would carry the implementing bill. I'd get it out of the Senate easily without too much difficulty and get it over in the Assembly. And where I'd always run into trouble with this was in the Ways and Means Committee. For a period of time even the state had money because that was prior to Prop. 13. The state had surplus money and they just couldn't cough it up. They just couldn't stand it. We'd rather spend this money on education. We'd rather spend it on welfare. All kinds of reasons that they'd like to spend it. I agreed with all of it except you've got to do something about these criminals.

This is one of the most frustrating things because we'd go through the hearing. They couldn't cough up the money so they'd give me 2 million for planning. So we'd go back and give the money over to Corrections to do some planning. The next year Brown would do the same thing. 100 million. I'd carry it. And that went on. I think for about

three years. We lost valuable time and I always said, "We had great plans but no prisons."

By then I guess we must be up close to \$5 million in planning somewhere in there and it was just obvious that we're never going to get any money out of the committee so that's when we started the bonds by doing it with bonds. We started putting a bond issue on the ballot every two years almost all through the '80s and at that time we just put it on the ballot and the voters would pass it easily.

ETTINGER: Is that right?

PRESLEY: Yes. But in the early '90s that's when the first ones failed. That's when the voters began to tighten up.

ETTINGER: That's interesting. One of the things I was going to ask you because one of the things I've read it talked about your efforts in educating voters about the need for prisons around the 1980s. Do you remember there being a need for education or do you think it really was a self-starter?

PRESLEY: It seemed to be a self-starter. We didn't put much of a campaign on to get them passed. I think in the public a lot more than in the Legislature there seemed to be a law and order sentiment out there. I found that particularly in Southern California where I was from there seemed to be a lot more sentiment for tough on crime legislation in the Legislature and that was reflected in the fact that they would vote for these bonds without any campaign.

ETTINGER I want to keep going with the prison thing but I want to circle back on one more thing and maybe you just answered it in a sense for me which is some of the sentencing reforms you talked about enhancement bills they were coming through more quickly through the late 70s and then some of the energy of sentencing reforms seemed to have gone into the initiative and referendum process I know in 1982 the voters passed the so called Victims Bill of Rights provisions which as I recall were an add on of five years for certain crimes and not allowing concurrent sentences

Do you remember how that citizen initiative intersected with your work? Was it citizen groups that thought the Legislature was moving too slowly? Did you support it? Was it an issue?

PRESLEY Yes I think the last thing you said which coincides with what I just said I think citizen groups felt the Legislature wouldn't act It's just like Three Strikes That's why they did that initiative People involved in it felt that the Legislature wouldn't act and I think they were right on Three Strikes Maybe back then too on this Victims Bill of Rights And I think they wanted a voice in this process but the fact that it passed was reflective again of the sentiment out there

Now it didn't detract from anything I was trying to do although I wasn't out front banging on drums for it or anything For one thing I don't like initiative law I think that's not the way to make law The courts will spend years trying to straighten out the legal aspects of it

But they had that one and then they had another one I think while Deukmejian was governor that had to do with giving the governor authority over the parole issues which is kind of an issue now with [Governor Gray] Davis I remember that one quite well and I know what happened There was a case down in Modesto The guy's name was [William] Archie Fain He was a prisoner and he had committed some awful crime and under the law the determinate thing they were going to have to release him and Deukmejian tried to block it The courts told him he couldn't do it So that's when they started the initiative It gave the governor authority in the parole area

I carried the implementing legislation on that It seemed to me that was Prop 89? I'm not sure about the number but I did carry the implementing legislation That came up here within the last couple of years What happened is there was a guy from Southern California and I'd gotten involved in his case early on He was a doctor down in Palm Springs a medical doctor He was convicted of conspiracy to kill his wife They were getting a divorce and were involved in a child custody fight He got charged with conspiracy to kill her and was convicted I was contacted by a group of people from Palm Springs when I was over here in the Senate and they were friends and patients of his and they thought that he'd been erroneously convicted of the wrong crime Because somebody had been giving them legal advice they thought it

ought to be solicitation to commit murder not conspiracy And I think they were probably right The reason they were concerned about it is the penalty for conspiracy was about double what it is for solicitation so they wanted to get something done about it

Well the first thing I did I asked [John] Van de Kamp who was attorney general to take a look at it and he had his office review it Nothing really came of it So then I took it to Deukmejian knowing that wasn't going to go anywhere and they didn't do anything with it either

By this time years are going by and this doctor is still sitting there in prison I finally felt well there's no way we're ever going to turn that sentence around so maybe we ought to look to getting him paroled While he's in prison he's taking law correspondence courses and he gets a degree So he does his own research He sends me this in the mail where I'd carried this bill the implementing bill of Prop 89 saying that it applied only to murder Of course he was convicted of conspiracy to commit murder So I talked to the governor's lawyer This was when Davis was governor and I said I think this guy's got a point I said You can't find anywhere in the law where it says anything but murder

Oh he said conspiracy to commit murder is the same as murder

I said No it's not In this case his victim is living up in Idaho remarried and having a good life If it had been murder she'd be I said There's a lot of difference

Oh no same thing legally the same thing

Well I couldn't get through to him Then finally the doctor takes it to the appellate court and the appellate court ruled that that was right That law didn't mention conspiracy to murder just murder and they overturned the governor's right to have any voice in his parole

ETTINGER Oh wow

PRESLEY It's just so ironic He's sending me copies of my own law Why don't you do something about it?

ETTINGER In a sense we were talking about the initiatives We started with the Victims Bill of Rights and this parole control thing and then the Victims Bill of Rights actually got sort of unraveled through the state courts slowly through the 1980s

PRESLEY That's what I just said That's what happens usually

ETTINGER Do you recall feeling that that certainly helped with efforts that you were trying to do in the Legislature in terms of the political climate that voters got frustrated?

PRESLEY With the courts?

ETTINGER Yes

PRESLEY I think it was probably helpful trying to do some of this stuff because they'd see if we can't do it by initiative then we've got to do it in the legislative process

ETTINGER As you said earlier you weren't on this issue and other issues weren't the sort of out on the stump taking an educational leadership role around the state necessarily

PRESLEY Oh no

ETTINGER Or sort of demagogueing the issue of crime at all

PRESLEY No

[Interruption ]

ETTINGER I was going to ask you you mentioned Deukmejian and actually it was kind of funny that you mentioned Deukmejian in the context of where he was testifying for your bill He was another person obviously in the Senate who did take an interest

PRESLEY He had tremendous interest in crime

ETTINGER I guess you could say actually the crime issue in some way may have helped him

PRESLEY I don't think there's any question It helped him become attorney general and it probably helped him to become governor

ETTINGER Who else do you remember in terms of whether it's this is the last point about sentencing reforms before I pick up on prison again other individuals or groups that you thought really were most active in this

sentencing thing? The Peace Officers Association the Correctional Officers?

PRESLEY Yes There was another assemblyman He was my ally in the Assembly and his name was [Assemblyman] Dave Stirling Now Stirling Deukmejian later appointed him a superior court judge and then [Dan] Lungren came in as attorney general and got him to come over as his chief deputy and then he ran for attorney general against [Bill] Lockyer and lost But he was a tremendous help during that period

We formed he would call it a little crime caucus and I was the chairman of it and Jim [James W ] Nielsen who was in the Senate at the time and Dave Stirling in the Assembly and another guy in the Assembly by the name of Alister McAlister We were basically the four that were trying to push all these crime issues We had a couple in the Assembly and a couple in the Senate Jim had a little disadvantage because he d never had any experience in that field but he just had strong feelings and for that reason of course was helpful But Stirling had been a deputy DA and McAlister had been something like that

ETTINGER Were a lot of the ideas for legislation at this informal caucus put into place? Ideas coming from informal networks district attorneys that sort of thing?

PRESLEY Yes Early on I had a lot of my own ideas Things like that just came out of where I saw problems in the law enforcement field But later on after I disposed of those then I d get all kinds of ideas

Did you look into lawyer reform?

ETTINGER A little bit That got a lot of attention in the Assembly

PRESLEY Yes I don t know if you want to get into that

ETTINGER I d like to get into that at some point but let s pick back up on prison construction because I m kind of following a logical order here As you know the expansion of sentencing and some of these enhancement laws and other things are leading to a crisis in the prisons And it s a crisis that is frustratingly difficult to get a focus on I m trying to think Was it a woman who headed the Prison Authority in 1980?

PRESLEY The one that headed it under Jerry Brown was Ruth [L ] Rushen I don t know how long she was there She was his second director His first director was Jerry [J ] Enomoto He I guess is just going out as U S Marshal here being replaced now by a Republican

ETTINGER When you were carrying these bills and I know in 1977 you took on the issue of prison construction at least for the first time and that was Senate Bill 1342 which may have been one of these ones you were carrying for the governor to get the funding was Ruth then the person or did you have much contact with the Prison Authority?

PRESLEY A little bit with her but not a lot I remember she'd come over and testify in support but I didn't have a lot of contact other than that

In fact I might have a thing seems to me there's something here she gave me a plaque Yes Isn't that amazing? I haven't had this out in years There's a couple of them here

ETTINGER These are a couple of different plaques You got one To Senator Robert Presley the Godfather of California Corrections With Affection and Gratitude

PRESLEY Eighty two

ETTINGER Nineteen eighty two For the Indomitable Interest in Support of California Prison Issues Another one from 1982 In Appreciation of Senator Robert Presley Who Had the Vision to See the Need For More Prisons Early and the Determination and Skill to Get Them Authorized and Funded Presented By a Grateful Department of Corrections

That does in a way answer my question about the relationship between you and the Authority There was communication

When you look back at this transition again of recognizing the need for prisons there are different people out front The courts played a role to some extent didn't they with decisions about overcrowding that then the Legislature had to respond to?

PRESLEY Yes As I recall during that period there were particularly I think at the federal level a number of court decisions on overcrowding In fact that

was very helpful to me in trying to do this because the threat was If you don't get this overcrowding down you're going to have to release X number of people Nobody thought that was a good idea to turn the prison gates open and release them on the streets

ETTINGER One of the cases if I'm not mistaken was at San Quentin that came out of San Quentin

PRESLEY It may have been Probably That's the 9th Circuit over there

ETTINGER Actually the issue of San Quentin is kind of an interesting one isn't it? It's got a long life

PRESLEY I don't think it's ever going to die Somewhere in there I tried to close San Quentin I tried to close San Quentin and couldn't do it and I've been trying to close it since being in this job and just can't do it It's complicated First of all that's the oldest prison in the state 1853 Not only the oldest but the first one I think about 1853 it was built Death row by law is located there So the first thing that has to be done before one can ever think about closing San Quentin is move death row There's six hundred and some people sitting over there on death row right now and growing all the time

So we have to find a solution to that first of all and you think well that's simple find a prison like out here at Folsom They have a new prison out there We can do some work and move them all there Well

the city would be up in arms. They've already been up in arms because we tried to move about 15 out there.

ETTINGER: I remember seeing that.

PRESLEY: So that's a very tough kind of a NIMBY [not in my backyard] issue, and not only that, but the other side of that is there's a big defense bar that's paid by the courts to represent these people, and most of them are located in the Bay Area. If you think about moving it, they're opposed because they don't want to travel elsewhere. That's an issue.

But if that could ever be accomplished, then the rest of it needs to be closed because it's so old. I've got some figures around here somewhere because I've had them run the figures of what it costs to maintain an old prison like San Quentin versus one like, say, new Folsom out here. It's better than two to one. We're spending tremendous amounts of money to maintain it. And then the other issue is the value of the land. It's some of the most valuable real estate in California.

ETTINGER: It truly is. They've got a great view.

Well, 1980 is one of the first years that prison money got shook loose. \$11 million came down in 1980, but there was still debate there. I mean with that money, about renovation versus new prisons. Do you remember having a position, generally, on that notion?

PRESLEY: I don't remember a lot of specifics about that. Vaguely, I remember that kind of discussion. My position was pretty much we have to do some

construction because it s hard to renovate and meet the need that was being forecast

Corrections has over the years been pretty darn good on projections They ve been amazingly accurate I would use their figures on what they were projecting say four years out or six years out and renovation wasn t going to cut it We had to build some new facilities We can t renovate ourselves out of this problem

ETTINGER The Joint Committee on Prison Construction and maybe it s a regulation I can t recall was that created in 1983 or did you just move on to that at the time?

PRESLEY I don t know what year it was created but I created it legislatively Much to my regret now

ETTINGER Why so?

PRESLEY Well we created it it must have been early 80s

ETTINGER Yes it was 83

PRESLEY The reason we created it was we could see we ve got all of this construction going on here and there needs to be some legislative oversight because we wanted to try to contain costs And believe me we saved the taxpayers millions of dollars You couldn t believe how we d hold hearings and beat on these contractors and beat on these architects about how You reduce costs Otherwise it would have been an awful lot of money spent So it did a lot of good

But we made a mistake when we wrote the bill. We said oversight over construction and operations. I should have left off operations because most of our time during that period was spent overseeing construction because that was the big problem. Then we finally get through most of that construction. I left December '94 and as soon as I left they put Dan Boatwright in as chairman and right away he starts beating on Corrections from the standpoint of operations. Well, he was termed out, I think, in a couple of years. He wasn't there very long. Since then they've had [Senator Richard] Polanco in there. There's no construction really to oversight so he and his staff have spent all their time beating on Corrections under the operations. That's why I say I regret it.

ETTINGER: I can imagine why. But even in your term when you were overseeing it more than a handful of issues, I guess, came up about operations that you had to deal with.

PRESLEY: We did do a few but not many. And I was always a little bit reluctant to move into that too much because I felt we over here in the Legislature should not be trying to run Corrections. We're not qualified and we don't have the information. We're not the authority. It's the Executive branch. I did a little bit minimally to expose an issue but I always felt bad. I certainly didn't feel that I should be trying to beat on some director of Corrections and tell him how to run his shop.

ETTINGER Looking back on those projects though the ones that are elected engagement when you think about the prison system then going through this transition in the 80s were there cultural problems institutional problems that were getting the committee's attention?

PRESLEY I don't remember much about why we got in on the operations side except one One was a correctional officer came in to see me with a lot of problems involving one of the prisons up north and I thought he had some merit to what he was saying On that basis we did do a hearing which turned out to be quite illuminating and contentious as you might imagine

ETTINGER Were there understaffing issues or pay? That sort of stuff?

PRESLEY Those are always arguments One that I remember we got into other than construction was the AIDS stuff when AIDS first broke on the scene These officers were all worried about if you get in a fight and there's a transmission of blood and you get AIDS do we have the right to have them tested? We did some legislation in that area Most of it fortunately passed

ETTINGER Well there's no talking about prison construction in the 80s without revisiting the big battle over the siting in Los Angeles Having just gone through your case files and your correspondence files I know it must have been one of most frustrating things

PRESLEY It really was Well kind of starting with that here we had I think about 38 percent and probably that figure is fairly close still of the inmates

coming into the system were from Los Angeles County. There's no prison there. No prison in L.A. County. So we started trying to figure out a way to get a prison there and we finally came up with a site downtown at the Union Pacific site.

So we introduced the bill to build a prison there and Art Torres by this time was in the Senate and he represented that area and he had some concerns and we talked about it and figured out a few changes here and there and he ended up voting for it. We got it out of the Senate without too much trouble. Then we went over in the Assembly and Gloria Molina who's an L.A. County supervisor now she just threw a tizzy fit. She didn't want that at all and she stirred up a lot of her constituents and it put Torres in a very tough position so then finally he had to change his position and he had to come out and oppose it. He and Roberti were holding news conferences daily.

[End Tape 2 Side B]

[Begin Tape 3 Side A]

PRESLEY I get a call from Deukmejian's staff and they said the next day the governor was going to fly down to San Diego to dedicate the prison a groundbreaking dedication and would I go along. I said Well I'm the author of the L.A. bill yes I'll go with him.

To show you what kind of person Deukmejian is later that afternoon he called me. You know he's got a kind voice. Bob he said is this

going to cause you any problems if you go down there with me tomorrow?

I said I don't know Governor if it is or not but I'm for the bill or I'm not. If it causes me any problems that's my problem.

So he was very appreciative.

Anyway we get on a private plane and fly down there and on the way down I mentioned to him because they were arguing not only are you putting it in a poor area you're putting it in a Democratic area. So on the way down I'd thought about it a little before. I said Governor why don't we build two prisons in L.A.? Build one in a Democratic area and one in a Republican area. He didn't seem to think that held much promise because he was always so cautious. But later on that's what we did. We had a bill to build one down in L.A. and one in Lancaster. It was just an awful fight over a period of time.

Then I remember to force the one in L.A. we tied it to Lancaster and said You can't open Lancaster until you open the one in L.A. That pretty much worked because that way we got them both passed. So we got them both passed and then L.A. started the lawsuits. They filed every imaginable lawsuit. Somebody did the city as well as others environmental legal whatever it was. And the state won every one of them. But that delayed it.

By this time Wilson is governor Wilson I guess agreed with some of those L A folks and he wouldn't push it and we ended up losing the downtown L A prison after spending about 30 or 40 million dollars and winning all of the legal fights I never did talk to him enough to know why he did that but that's why there's none downtown

Then we had to do some legislation to unlock it because we had to open Lancaster

ETTINGER Early on hadn't some other prisons been built and forced to lay fallow even while they were coming up with to make a decision about Los Angeles?

PRESLEY No I don't think so

ETTINGER It was the Lancaster one then

PRESLEY Just the Lancaster I remember to try to help with all of this I even said one day in committee I'll add another one for Riverside County We have one we'll do another one So it passed Then I'm stuck and now I've got to have another prison in Riverside County

So I start trying to find a site and the first place we started was on the highway from Riverside to San Diego Off to the right they have a veteran cemetery there a national cemetery We wanted to build it over there and we had all of this opposition That's disrespectful to the dead And they ran us out We couldn't do it It seemed to me it would have been fine but we couldn't do it

Then we went to Cherry Valley which is out by Beaumont and they had a public hearing I've been to a lot of public hearings in my life This was one the worst I have ever been You had the young people on one side that wanted it and you had the older people on the other side that didn't want it They're yelling at these folks who are trying to moderate it Of course we'd always taken the position we the state we're not going to force ourselves on any community If you don't want us we're not going to do it So as well as you can ascertain that thing there at Beaumont we weren't wanted

Then we go to Coachella and same thing They ran us out of there to make a long story short

So then we went to Blythe Down by the Arizona border?

ETTINGER Yes

PRESLEY I told everybody There's no place else to run We have no place else to go We had a good site down there at the airport but it was in the Blythe Water District and the Water District was controlled by the big farmers and they were violently opposed to this Everybody else was for it the city chamber of commerce school district Everybody else wanted it because they could see that it would give a little vitality to the city But the farmers just as soon that stayed a nice little dusty agricultural town so they were opposed And some of them were heavyweight they had big corporate farms I knew some of them

I remember one of them calling up and saying We ve got to meet with you and I m up here So I said I ll meet with you

Well you coming down here?

I said No I m won t come down I ll meet you in Indio That s halfway

I remember this meeting very well Probably about twelve or fifteen of them came and they had blood in their eye and they were going to stop that prison Every argument they could come up with though I could refute This one guy that I knew real well Bart Fisher and finally after I d refuted about everything they came up with I looked at him and I said Bart why don t you want this prison?

He said We just don t want it [Laughter ]

I said Okay you re finally honest I can t refute that one

That wasn t the end of it So then they said not at that meeting but later on they said Well you can build it anywhere you want but you re not going to get any water

But driving down there I had just per chance observed off to the right of Highway 10 some stuff growing I didn t know what it was It turned out it was jojoba beans They re the ones that makes this fine oil that goes in cosmetics Some real fine oil So I told Rod Blonien in the governor s office that I was working with about that and he said Why

don't we have a hydrologist go down there? It must get water from somewhere

So we got a hydrologist to go there and they did some checking and discovered water underground and it was just outside the Blythe Water District so they didn't have jurisdiction. So that's why that prison is where it is seventeen miles west of town. I've been down there since I've been in this job and stayed overnight in Blythe. Driving out the next morning I thought Everybody must think Why is this seventeen miles west of Blythe? So I told the warden this story he didn't know it. But if we could have done it at the airport it would be about seven miles. It would have been much better for everybody but because of that farmer situation that's why we ended up where we are.

ETTINGER The bond issues you mentioned that by the early '90s they were not

PRESLEY Losing favor

ETTINGER They were losing favor. And now you're in a unique position to assess the progress that was made in the '80s in terms of how much was built and how much capacity was created. Was enough done? Were there things that might have been done differently?

PRESLEY You mean in terms of construction?

ETTINGER In terms of construction

PRESLEY You know not a lot. I think during that period California built so many prisons that we got really good at it. People came here from all over the

United States and other countries to see how we built prisons to get ideas. So I think for the most part there was good construction. I think that might even be the case today in terms of safety control all those things because most of them a basic prison is 2,200. Two thousand can be hardcore whatever you want to call them and a couple hundred over here that do the work like kitchen and grounds and laundry. They're trustees. But the 2,000 then is built in 500 pods self contained. In other words you can seal it off. That is one of the reasons most people don't know this that's one of the reasons we have not had any major riots in California because if something starts they can seal it off contain it where in all of these wide open big prisons you can't do that. It's like a wildfire pretty soon it gets going.

So I think overall that was a pretty good period of construction and I think it was cost wise because we held the costs down as much as we possibly could and it was good construction well planned for safety riots. But one of the things I used to hear this criticism was You're trying to build all of these prisons and you're going to overbuild and pretty soon we'll have them sitting empty. My response to that was

Well I hope you're right. That would just be great. Because I didn't think it was going to happen and it certainly hasn't happened. Our population is down. In the last three years it's down about 4,000 in the

CDC side also a little bit in the Youth Authority But even so we're still about 180 percent of capacity

I was in the Chino prison not long ago The gymnasium what's supposed to be the gymnasium they've got double deck bunks in there all these people trying to use one or two toilets So we still have tremendous overcrowding even with all the building that was done

Since Davis came in the first year he was in we got authorization through to build one other prison and it's down by Bakersfield It's been much like L A been tied up on every litigation that you can think of But that has finally just like L A too the state won all of them and we finally have the green light just within the last couple of months to proceed with construction It's a Level 4 the most serious offenders because that's where the need is now It's not the low levels it's these more serious offenders like with Three Strikes

ETTINGER We've tracked a lot on your interest in crime and anti crime and I want to broaden it out in the last little bit of time here to situate you more in terms of the district you represented their interests and your interests

One of the things that we joked about earlier and I've now come to realize is in reading about your career through the '80s is that you carried most sessions as many bills as anybody in the Senate and that you had a passage rate that approached to about 80 percent some of your better years while your colleagues were about 50 percent

PRESLEY I remember it was the highest I think for a long time

ETTINGER Yes I want to explore that a little bit in terms of the bills you carried their origins and your philosophy in guiding them through First of all just talk about the volume of bills that you carried In talking through crime we get the impression that some of these are your own initiative past experience and some of these are brought to you by constituents or groups Talk a little bit about the bills in your career and how they came to you and how you managed that

PRESLEY Well I think particularly in the crime area I was like a magnet being from law enforcement Everybody that was interested in crime legislation would come to me I was one of those people that could never say no I think that's one of the reasons that I ended up with so many bills

ETTINGER And that probably started early in your career didn't it in the first session

PRESLEY Yes I was kind of a natural for that having come from the law enforcement field Getting them passed I think was two things One is I used to try to be very careful that whatever I agreed to carry made sense it was a sensible thing to try to do rather than some frivolous thing I think that contributed to some of the success rate because you'd go in with something that made some sense and is needed

The other goes back a little bit to what I said earlier I'd tried to establish some trust being a moderate to conservative Democrat with a law enforcement background And this was a legitimate philosophy

Very law and order oriented I felt strongly about that I never could figure out why we bled all over the place for the robbers and the burglars and the rapists We ought to be bleeding all over the place for the taxpayers and the law abiding people

On the other hand I had always had a notion of prevention like in a lot of the children s areas preventing crime helping these kids make it helping them to be productive I guess I m a mixed bag but at the same time kind of a fiscal conservative I don t like to see us blow money unnecessarily I think that mix of philosophies would attract votes from these various areas and I think that s the other side of why we got that many passed Otherwise I don t really know

ETTINGER You got a reputation certainly as somebody who could craft compromises

PRESLEY Yes Oh that s another thing you have to be able to do If you re going to just say my way or the highway as they say most of the time you re going to lose right up front My philosophy on that was—not philosophy just thinking was I m going to start with this in this fashion and if along the way I have to lose part of it there s another year next year I ll come back for the other part And that s the way we did some of it kind of piecemeal And the other thing I found too is if a bill is too heavy too many aspects to it too complicated it s tough But if you break it up into smaller pieces simple easier to understand it s a lot easier

ETTINGER Avoid the omnibus approach

PRESLEY Right

ETTINGER With regard to the discussion of the bills you carried you said that you tried to make a habit of endorsing bills that made sense that seemed wise in some sense Did that make it difficult in terms of constituent relations sometimes? In other words having to say no to bills being brought to you by constituents

PRESLEY A little bit but what I found was that if a constituent brings something like that and it doesn't make a lot of sense we'd say Well if we're going to consider this we need some latitude to craft it Usually they don't know so Sure So we were able to craft a lot of these I use the word sensibly before introduction Usually the constituent appreciates it

ETTINGER But you've taken their issue and then you're going to

PRESLEY Craft it I call it

ETTINGER There was a profile of you in the *California Journal* in the early '80s It was talking about your ability to make these decisions

PRESLEY You've really done your homework

ETTINGER The issue of how to work with constituents and deal with their concerns and be responsive Was there a lot of material coming over the transom coming into the office fairly regularly about legislation needs that were specific enough that you had to respond and engage and follow this process of trying to

PRESLEY You mean that I was carrying?

ETTINGER Yes when you were senator I m trying to get a sense for how much of this was flowing out of constituents directly as concrete proposals of the things that you carried Was it a large percentage or was it coming from

PRESLEY Percentage wise?

ETTINGER Yes

PRESLEY I don t think it was large no I don t recall the constituent side of it was large So much of the constituent type legislation is more specific into a certain area where a lot of the other had statewide implications and all of that

ETTINGER I suppose the siting of a hospital and getting a hospital

PRESLEY Just taking a hospital for example I recall carrying a bill to help out disproportionate hospitals they were called meaning that these hospitals got a disproportionate number of poor people that they had to treat in emergency rooms and all of that versus the amount of money they d get I did a surcharge on the Medi Cal payments for these kind of hospitals and there were six of them in the state

This one happens to be a children s hospital in San Diego I don t know why I remember this but I remember trying to get this bill through about the six hospitals and they called me up and wanted to have breakfast They wanted me to add this hospital this children s hospital to

their list and they gave me all the arguments why they were about the same you know they had all these kids and they couldn't pay So I said Fine we'll do it I just did an amendment and added it on They had me in San Diego I don't remember when that was not too long ago at a big luncheon and gave me that picture because they were getting several thousand dollars a year from the state as a result Every year It keeps them going

In Riverside County they were able to build a totally new what you would call a county hospital except they don't call them that anymore We got them \$40 million So those are constituent type things but they're just

ETTINGER Targeted

PRESLEY This started out as a Riverside County problem but then as we looked into it we found that in addition to that one there were five others in the state that met that same criteria different parts of the state

ETTINGER One thing that just occurred to me related to this and kind of going off here but what size of a staff did you have to help you do this sort of research?

PRESLEY Well it varied I had a consultant who helped me with all of the prison efforts and then I had another consultant helping me with the children and youth agenda

ETTINGER Who's this?

PRESLEY Jane Henderson She worked for me three or four years

ETTINGER Worked on some of this youth and

PRESLEY She would help me put it all together and work with the groups because I didn't have time to meet with all of them

ETTINGER And your prison person was?

PRESLEY He's retired now He lives here in Sacramento Bob Holmes And then I had my usual committee staff Early on I was chairman for a couple of years of the Transportation Committee and then I gave that up and went on the Rules Committee and then I went from Rules Committee to chairman of the Natural Resources Committee which I really liked I liked that field Dan Boatwright was chairman of the Senate Appropriations Committee Of course that's kind of a heavy committee He had a fight going with the president of the Senate and so they came to me and wanted to know if I would be chairman of Appropriations and that's like they ask if you want to be pope Absolutely!

So that's how I became chairman of the Appropriations Committee and then on the Appropriations Committee I had a big staff You've got people that do all the analyses and all the work in environmental education because you do everything All these policy committees out here feed bills into Appropriations so I had a pretty good staff there and I could use them for anything if they had time and I did

ETTINGER We talked a little bit last time about the transition between Mills and Roberti your loyalty to Mills

PRESLEY Yes

ETTINGER A little bit yes It left you in the shadows for a few years

PRESLEY It didn't really leave me in the shadows What happened was

ETTINGER I meant in terms of getting off the Rules Committee perhaps

PRESLEY Yes I was on the Rules Committee and Mills he'd informally talked to me about succeeding him and this is something I guess I haven't explained to a lot of people Almost all the time I was there somebody was always trying to say either in the press or somewhere that I was in contention to be president of the Senate I never discouraged it But I always knew that I was not a good one to be president of the Senate because I come from a district that's too tough partisanship because the registration was very tight

ETTINGER It was never a safe district

PRESLEY No It was within a few points To be president of the Senate you need a very safe district so you don't have to spend much time guarding your district You can spend all your time running the Senate Even when Lockyer became president of the Senate a lot of people wanted me to be president of the Senate I remember Lockyer and I meeting and I didn't do anything really and I finally just told him I'm not pushing for it I'll

support you because of what I just said But I never did try and the reason I didn't try I knew you had to have a safe district

Getting back to this thing though Mills had notwithstanding all I just said had always talked about maybe succeeding him And then there was a senator here from Sacramento Al Rodda got defeated Just shocked everybody

ETTINGER In '88 I think?

PRESLEY That got Mills' opponents up in arms that He's not doing enough to get people elected So they started to do a coup on him they wanted to get him out I remember he was down in Florida at some transportation meeting because he was very interested in transportation So he had to come back He had myself and three or four other senators We all met out at Aldo's restaurant one night He thought he was okay He thought he could fight it off Nick Petris who was a good friend of his from Oakland and we all liked Nick so he thought Petris was going to be okay But the next day he was going to drive over to Oakland and meet with Nick to make sure he had Nick's support He called me later and he said Jeez I went over there and we walked around the park and we walked around the lake and I never could get a commitment out of him So that told him he was in deep trouble And Mills was one of those guys that didn't have a lot of fire in the belly to fight I'm the same way I don't like to spend a lot of energy fighting

So he called me from San Diego and said Bob I m going to just toss it in And he said What you should do is you should get a hold of Roberti before I do that and tell him you support him

I said Jim I can t do that I m supporting you I can t flip like that

A lot of politicians think this way He said Just call him up and tell him you ve changed your mind and you support him And he said

Later on I m going to toss it in

I said Well I can t do that I either support you or I don t and I support you If you go down I go down with you

So that was kind of dumb on my part in a way but at least it has integrity

ETTINGER That s right

PRESLEY So that s what I did He tossed it in and then Roberti becomes president of the Senate One day Barry Keene who was inner circle with Roberti called me and he said Bob I think if you d call Roberti you can be oh in the meantime they voted to take me off Rules because I d supported Mills Keene took my place So Keene called me and said he thought if I called Roberti I could be chairman of Natural Resources

I said Barry I don t care whether I m chairman of anything or not I said I m not going to go hat in hand to anybody Do what you want

Well he said I think if you called him you can be chairman

I said Well I m not going to do it

They made me chairman anyway [Laughter ] So they made me chairman anyway and that s how I became chairman of Natural

Resources

[End Tape 3 Side A]

[Begin Tape 3 Side B]

ETTINGER Quickly on the Natural Resources Committee chairmanship you said you enjoyed that kind of work There was some tough issues that came it seems to me in the wake of Prop 13 regarding funding of state parks Was that why you were on the

PRESLEY I was but the biggest bill that I had in that area that caused me the most grief was the preservation of the mountain lion It was a complicated problem Mountain lions were back then their population was very low They d done some kind of count I can t remember the number but it was very low and they were trying to bring them back Yet farmers you know they wanted the right to kill them to protect their cattle So it was a very contentious bill and I remember taking two years on it I met with hunters farmers every conceivable group and we put together a pretty valid bill

We worked all of that out and finally one day we re getting toward the end of the process and the director of Fish and Game came to me and

he said Will you take these two or three amendments? They re just technical stuff He said You take those amendments and we can support the bill Of course this is the Department of Fish and Game director I m thinking well that represents Deukmejian so that s okay But it had already got to the floor so I had to convene it back to committee to do the amendments

There was a Senator named H L Richardson He was a gun person He was pro gun very very ultra conservative and he hated this bill So he came into the committee and he was sending his minions up there to testify against it or against the bill really I guess he wasn t too concerned about the amendments I made a mistake and finally I said Senator Richardson what don t you like about this bill? He said Well I like the author I said Well come on up and I kind of just forced him to come up He didn t really want to and I guess it angered him Maybe that didn t have anything to do with it but I think it probably did Somehow the last minute he got Deukmejian to veto it

ETTINGER Is that right?

PRESLEY He got it vetoed Oh and during the hearings there s a mountain lion coalition people and they had a lobbyist

ETTINGER They re the ones that sponsored this legislation or that pushed the bill?

PRESLEY They may have sponsored it I m not sure I don t know But anyway they were strongly in support of it whether they sponsored it or not I

remember this lobbyist testifying that If this bill doesn't pass we're going to go the initiative route Of course when it got vetoed that's exactly what they did They went out and got the signatures got an initiative got it on the ballot And like I say that's not the way to make law I think they got \$30 million that the state had to put in there for mountain lion enhancements and all of that every year which is too much Not necessary in my opinion

But that cost me a lot politically too because as a result of this then Richardson every election he'd come to me and he'd say Well Bob I've got to get somebody to go after you and I'd say Well have at it So he'd shake out an opponent usually somebody in the NRA a gun person because there was a few years I would not have even had an opponent But he would shake somebody up and of course what that causes you to do then is you've got to devote some time to campaigning you've got to raise campaign money because you can never take elections for granted That's what I think Rodda did

ETTINGER How would you gear up for elections? Would you have this regular person or is it the party kind of supported heavily?

PRESLEY I could not run as a strong partisan in a district like I had If I had the Democratic Party in there plugging for me it would not look good to a lot of these moderate Republicans that are going to vote for me So I pretty much did it on my own

One good thing is I had at the time a sense for that county and that district I could tell you exactly what part I would win and what part I would lose because I knew where the Republicans were and I knew where the Democrats were So I did it pretty much on my own and I pretty much raised my own campaign money because I didn't want any money from the party and I didn't want any endorsements from the party

Then when we'd get within say three or four months of the election I never did have any primary opposition So then after June I would get a campaign consultant to birdog the whole campaign strategy

ETTINGER I hope we're not hopping too much here I know we're running out of time for today but we left off and you'd mentioned moving up to the Appropriations Committee and I did want to talk about that 1985 because that must have been a pretty big substantial change in your operations here in Sacramento and your experience and if you could just comment a little bit about that that experience What did you discover how it changed you as a senator or how it enhanced your power

PRESLEY Well it enhances your power No question it enhances your power because you have control over every bill that has any appreciable amount of money

But I think the best thing it did for me personally is it gave me a tremendous education in the budget process the fiscal structure of state

government. It is so complicated. There are pots of money everywhere. And education finance. I think not very many people understand it.

But for me as a legislator, learning all of that so well, all that finance picture of the state and the way it works, that's what it did for me more than anything, but it does enhance your power too.

ETTINGER: The first year, then, of that chairmanship must have been a big learning period.

PRESLEY: It was, oh yes. Fortunately, I kept most of the same staff that had been there for years. They, in their particular fields, were experts. They were very knowledgeable. So, I had very good support, information support.

ETTINGER: It brought you in, probably, more denser into the day-to-day bill traffic through the Senate.

PRESLEY: Much, because the bill load is horrendous. I used to get angry because I couldn't see that these policy committees would kill anything, and we'd have to end up killing a lot of bills. I think they felt it was easy for them. We'll just pass it on to Appropriations.

ETTINGER: In the hope that they would do it, that's what would happen.

PRESLEY: All of the big bills costing all of this money would come in at different times, March, April, May, and you never really get a feel of how much money you're going to have until after the May revise. That's when everything's revisited, revenues, expenditures. And that's when you get a

true picture as true as you're going to get about what the fiscal situation of the state is

So we'd get these big bills and we'd say It doesn't make any sense for us to pass or kill these now because we don't know what the fiscal situation is going to be So we set a policy that anything that cost over \$150 000 we'd put on a suspense file In other words we'd just park it Some legislators were just livid about that They didn't think that was the way to run a shop Lockyer the attorney general was one of the worst He and I would have fights over that like you can't believe

ETTINGER They liked the idea of before that if you got your horse out quickly through the Appropriations Committee

PRESLEY They just thought that we ought to deal with them as they came up but they were wrong and they were in a minority There weren't more than half a dozen of them or less But this made all kinds of sense

What we would do after we got a feel of about how much money we would have to spend I would convene the president of the Senate the majority floor leader the minority floor leader myself as chairman of Appropriations and the vice chairman of Appropriations who was a Republican we'd all convene in the back room The idea of a cross section like this the president of the Senate had a voice the chairman of Appropriations had a voice minority and majority floor leaders would have a voice Of course minority would be Republican majority would

be Democrat. It was a pretty good system and we would prioritize the bills. The ones that we felt should go, we'd release them and let them go and the rest of them we'd hold and that caused a lot of gnashing of teeth by a certain group but for the most part people went along with it.

But it made all kinds of sense and I think they still do that. I don't know how else you could do it.

ETTINGER: And your being appointed to chair that in 1985 as a conservative Democrat, was there reaction among more liberal Democrats? Was there concern? Was this seen as a politically important thing to do given the political climate in California?

PRESLEY: I don't know.

ETTINGER: You didn't feel it was politics?

PRESLEY: There may have been some of that but I wasn't aware of it. I had been appointed chairman and I was going to be chairman. But I don't remember much of anything like that. There was a number of old timers on there that had been around the Senate a lot longer than I and those things are sometimes a little bit of a problem. They feel, you know, that I have a lot of seniority here and I should be chairman. But it wasn't much, just a little bit in beginning. That smoothed out pretty fast.

ETTINGER: From both parties?

PRESLEY: Mostly Democrats. But it frittered out.

ETTINGER Maybe a last question for today and we'll wrap it up. It's been a long session. Maybe we should talk about this in the context of your elections and re-elections. There was speculation—at least in the press, the Sacramento press in particular—that you were interested in a run for Congress. When did you start to think about that, and what was the contours of that?

PRESLEY It was fairly early on. I think that I got to thinking along those lines. I said, "I served in county government—in law enforcement and county government—and now I've served in state government. Now I'd like to serve at the federal level." I was looking at it from the standpoint of experience because I think life's just made up of experiences anyway. And then, of course, I had a lot of people in my district urging me to run.

But the problem was, all during that time, the incumbent congressman there.

ETTINGER It wasn't Packard, was it?

PRESLEY No. [Congressman] George [E.] Brown [Jr.]

ETTINGER Right.

PRESLEY He was the dean. He'd been in the Congress, I think, longer than anybody. That fueled a lot of the speculation because the guessing all the time was, well, this is his last election, he's going to retire. And he'd say, "I may retire," but he never did. And I wouldn't run against him. I told people, "I'm not going to run against him; that's not right." As a result, I

never ran for Congress. If it had opened up, sure, I'd have run. He died in office. He died three or four years ago, still a congressman, in his eighties.

ETTINGER: Well, liked for sure.

PRESLEY: Yes, I liked him. He was a physicist by training, and he was very interested in science. He was a good guy. But talk about a skilled politician, he was one.

I recall being back in Washington one time and had dinner with him. That day there was some very controversial bill that they'd voted on, and he voted against it. I remember thinking at the time, "Gee whiz, I would have voted for that if I had been voting on it." At dinner though, I said, "George, they're going to use that vote against you. That's a bad vote." His response was, "Oh, I wanted a stronger bill." [Laughter] That shows you how sharp he was as a politician. He'd tell everybody, "I voted against it because I wanted a stronger bill."

But anyway, that's why I never became a congressman, but I always would have liked to have had that experience.

ETTINGER: Good. Well, we've been sitting here two hours. I think we'll

[End Tape 3 Side B]

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[makeup session]

[Begin Tape 4 Side A]

ETTINGER Well we're here again trying to cover some of the material from your career in the Senate in the late 1980s through the mid 1990s and there are a number of issues that we hadn't really gotten on tape so far and I want to move through some of them today. And the first relates to your activities with air quality and smog. In an earlier interview or maybe last time we talked you mentioned the Smog Inspections Program in 1982 was a big victory. You also noted that as a politician you'd been advised that it was something of a loser issue to take it on but you had. And then that issue kind of stayed with you as having been something of the architect of it.

One of the things I noticed from your records that became a focus of part of your activities in the middle of the 1980s was trying to increase the authority of the South Coast Air Quality Management District and in 1987 you carried a bill trying to revamp the board in particular and that was Senate Bill 151. Largely was that just about trying to put teeth in the institution? What do you remember about that battle or how it came about?

PRESLEY I guess you'd say the way it came about the initial catalyst was that in the city of Rialto which is right in the middle of what's called the Inland Empire which has been described as probably the most smog ridden portion of the United States I became aware and it became very controversial that they were trying to build a tire burning plant and that seemed very odd So I started inquiring into that and then we finally got to the point of holding a legislative hearing on the matter in San Bernardino Through all that discussion it became clear that the South Coast Air District Board was pretty weak They weren't very effective and the members weren't taking it very seriously For the most part I was told that when they'd have a meeting of the Board some surrogate or assistant would show up not even the principal

So we undertook then a number of changes in the Board I initially wanted to set it up just like the Air Resources Board in that you would have I think it was either seven or nine members all representing a professional segment of the air pollution problem area I got it out of the Senate like that but when it got to the Assembly then it just got beat down really by local governments because they wanted a voice in this So we finally had to accept bringing in local government people

But the upshot of it was we did two things We strengthened the Board and we made sure that they didn't send assistants and people like that that the principal had to show up and we gave the Board some

additional authority. As a result, the Board became very effective, and I think pretty much so to this day. But there were efforts made subsequent to that by a particular legislator, mostly legislators from Orange County, trying to weaken it in various aspects because they accused the South Coast Air District as being job killers. I think it was exaggerated, but they don't like anything, or didn't at that time at least.

ETTINGER: Who were some of the Assembly members or people who

PRESLEY: One of the big ones was John Lewis. He was a senator from Orange County. He's not there now, but he was leading the charge generally trying to weaken it. I was able to kill some of it, turn it back, and for the most part, we kept it intact.

Oh, and the thing I was going to point out is that these were, and I used to accuse them of this, these were Orange County legislators. I'd say, "Yeah, you don't have to worry about air pollution, you're in Newport Beach. The breezes come in across Orange County and blow it all into Riverside and San Bernardino counties. So, what do you care? And that's kind of true, you know. And they had a lot of the businesses there that were affected, and they were spewing this stuff out, which would blow then out into Riverside and San Bernardino counties. I guess basically they said, 'Keep blowing it out,' but we weren't going to stand for it."

ETTINGER: Was this one of the issues that you heard from your constituents on a lot?

PRESLEY Not a lot no I didn't hear a lot because it's something I don't think the constituents for the most part were aware of how it worked and all of that But it was just so clear to me that it was such a problem that it ought to be addressed

I guess I didn't mention that I wasn't at all sure that I was going to get a signature on the bill because Deukmejian was governor and a lot of the Republican people who were opposed were lobbying him very hard to veto it One of the big ones leading the charge was Mike Antonovich who's now a supervisor of Los Angeles County and for a long time was a member of the Board

But anyway quite a bit to my surprise the governor signed it Of course I was elated because I think it's been a big plus ever since to keep the pressure on all the efforts to reduce air pollution in that basin

ETTINGER In that situation did you have contact with Deukmejian's staff at all?

PRESLEY Yes I did I was urging in written letters urging him to sign it But I just thought I'd be outdone by members of his own party

ETTINGER Well later we'll talk a little bit about your relationship with Deukmejian when we talk more about the prison thing But you had a relationship with him?

PRESLEY I had a good relationship with him

ETTINGER This maybe was something you referred to but I did note again going through these files that maybe Lewis was successful in this regard but by

about 1990 or so opponents of the Air Quality District were criticizing its very large budget and maybe the aggressiveness of it and that led in turn to another bill in 1990 Senate Bill 1928 which was going to put in place some sort of legislative oversight Do you recall that?

PRESLEY Was that a Lewis bill?

ETTINGER I m not sure it was a Lewis bill

PRESLEY Specifically I don t recall that I remember Lewis had some that I viewed very negatively and for the most part we were able to kill I m not sure what came of that Whatever it was I don t think it was effective because the Board is pretty much intact like it s always been

ETTINGER The latter part of your Senate career there came about a little bit of a confrontation between the Wilson Administration and Clinton s EPA [Environmental Protection Agency] over air quality and EPA was really pushed in this state for biennial smog checks centralizing the system and there seemed to be certainly reluctance in the Wilson Administration Do you recall getting pulled into that?

PRESLEY Yes to some extent I do I spent quite a lot of time my staff and myself looking into decentralized inspections versus centralized I even went up to Seattle where they had a centralized system I went up there and observed their system and I came away pretty much convinced that that s the way we should go We d have a centralized system set up within a certain mile radius so that people didn t have to travel too far around the

state I felt it was a better way to go for two or three reasons One is you would get a more specialized test In other words these people who worked there that's all they would do so they'd like anybody in a very specialized area become pretty good at it And they had the very latest equipment They had the very latest and most expensive equipment Because they were so good at it and the equipment was the latest they would run them through very quickly so people weren't delayed a long time And because they were doing it in such mass volume they were able to keep the costs down

So I thought with all of those arguments it was a good way to go But there's a thing in California I guess still in existence I'm not sure called a California Service Station Council and it's an organization involving all service stations all over the state You can imagine how many of those there are They fought for a decentralized system because they wanted to keep the business and they won Essentially they won But the problem with that is they do other things they sell gas they service cars they repair cars they do other things and this becomes sort of a side line with them As a result their people aren't as well trained and the equipment is not as good I just think all around it's not a good way to go

But anyway they won and that's the system we have today I think maybe Arizona has the centralized system as well

ETTINGER But that probably has a lot to do with the way in which the program evolved They got the smog inspections initially and it was decentralized and then once you did that

PRESLEY That s right Hard to change

ETTINGER It was very hard once people had a cash flow

PRESLEY Yes We may have been able to have done something like that when we first got the smog program going except under the old system they had had a centralized program in L A poorly planned poorly run and it resulted in long lines of people waiting It just killed at that time any idea of a centralized program

ETTINGER And I imagine that bill was enough of a push to get through the initial one

PRESLEY Yes that s right So we re in my opinion stuck with a decentralized system that I don t think is the best but that s what we have

ETTINGER Your work on air quality and smog looking through your files I get the impression it was related to the quality of life issues certainly in Riverside and San Bernardino and elsewhere I know at times it seemed that in your career you felt a little frustration with the fact that growth could create areas that were less livable or less attractive and you really struggled with that tension between growth and quality of life

PRESLEY It is a balanced effort You re exactly right the word is struggled because the issue is you don t want to stifle growth you want growth but

you want it balanced and you want to be able to maintain quality of life  
 And it's not just quality of life it's health A lot of people elderly  
 people people with asthmatic conditions things like that they're really  
 affected by this stuff and even athletes who try to get out and train in it  
 So it's really a difficult problem on both sides

I think I may have mentioned to you earlier every year the Los  
 Angeles Chamber of Commerce would come to Sacramento They had an  
 annual trek up here and they always wanted me on their agenda and I  
 knew exactly what would be on their agenda because I didn't represent  
 Los Angeles County But I was stupid enough to always go so they'd  
 beat me up about the South Coast Air District and how they were killing  
 jobs and all of that and I'd try to defend it And then finally it dawned  
 on me it took a long time but it finally dawned on me after I'd read so  
 much about this that in Mexico City they have such a horrible smog  
 problem there that two or three days out of the week they just close  
 everything down otherwise they can't breathe So the last two or three  
 years I would appear before them I'd listen to all this stuff and I would  
 just say Well one of the solutions would be to do what they do in  
 Mexico City we can close things down a couple three days a week  
 They didn't want to go for that [Laughter] So that was the best defense  
 but it came sort of late

ETTINGER Yes that would be effective I would think with an industry group

One of the early efforts or an effort that you got involved with that related to growth was an effort to get past the model Subregional

Planning Act Tell me about that

PRESLEY I pretty much started it first I can't remember the year just a resolution You know they're pretty innocuous not very harmful for the most part I wanted to have the state project its population out five years ten years fifteen years in five year blocks out to something like twenty or twenty five years knowing of course twenty twenty five years was pretty vague But five ten years maybe even fifteen would be pretty effective if you projected the population out in those blocks and try insofar as possible to project where you think that growth's going to be Just to do that just so we'd have some kind of a vague roadmap of where we think we're going and then we could plan accordingly even that was tough

So then the growth management bills I don't remember if it was one or maybe more but it was like you say on a regional basis to try to get past the city limits and the county lines like here in the Sacramento area You know you need a regional approach to planning That was strongly opposed by the business interests and particularly the Building Industry Association They were very very opposed to that

I recall it was very comical one morning I had the bill in the Ways and Means Committee in the Assembly I'd gotten it out of the Senate I knew of course these people were all very strongly opposed I was

chairman of the Appropriations Committee and John Vasconcellos was chairman of the Assembly Ways and Means Committee so he and I kind of had an agreement just between ourselves that when we showed up like if he showed up in my committee I'd take him out of order because I figured he had to get back to his committee and he'd do the same for me. So I had a number of bills up in that Ways and Means Committee that particular day and I had my committee meeting almost concurrently. So I show up over there and he takes me out of order and I start presenting this growth management bill. It was like nine o'clock in the morning. These people around town they have these speaker systems where they listen these lobbyists what's going on. And of course these building industry folks started listening and hearing that bill come up. They all came charging in the room. They're all out of breath they had run across the street. It almost caused heart attacks. [Laughter] But anyway they managed to kill it. It never survived.

ETTINGER That's a great story.

Another area that we hadn't talked about yet and it's an interesting one and one that was very effective were the efforts at professional reform with the State Bar and then the Medical Association. It's interesting to me reading through it was interesting because certainly you and your allies were taking on the heavyweight the political lobbying force in the late 1980s. First the lawyers then the doctors.

Let s talk about the Bar first What do you recall about the origins of the Bar reform efforts?

PRESLEY The way that came about I would get letters from constituents complaining about their lawyers The most common complaint I recall was that I d pay them to do something and I can t even get a return phone call from them That s just a common complaint And then to get more serious were lawyers keep these trust funds and it turned out not a lot but some of them will use those funds for personal reasons So that was a big one and everything in between Then I was told that the State Bar was very slow responding to people s complaints because they had such a backlog of cases So I set up a meeting with the president of the State Bar I remember we just had a breakfast meeting one morning He assured me how

ETTINGER Do you recall who that was at the time?

PRESLEY I don t recall their names because they change every year

ETTINGER Yes right That s right okay

PRESLEY He assured me though that this backlog was going to be worked down The other side of the problem was that some can t work out and they have to go to a dispute type hearing You re Lawyer Joe out here and they just ask you to come in and be the presiding officer at this hearing It s just not good at all And this went on a year or two or three maybe where

I'd meet with the State Bar president. Always the same story. Backlog's here, we're working on it.

So then I put together six or eight law professors and lawyers and different people around the state, only six or eight of them, and asked them to take a look at the problem and make a recommendation to me. They worked on it about six months, they had a number of meetings, and they made a recommendation of, "Do away with the State Bar and turn it over to the Department of Consumer Affairs," which I didn't expect them to go that far, and I knew it would never sell in the Legislature. But I had asked these people to do this, they invested six months of their time, so I introduced it in that form. We went to the Senate Judiciary Committee and for a couple of hours it was hot, back and forth. It was just as I expected.

So we finally got pretty close to taking a vote, which I knew I would lose. I asked the chairman to put it over a couple of weeks. Just like in football, when you're up against the wall, you punt. So, put it over a couple of weeks, and then I had to explain to this group that there's no way this was going to fly. Of course, they were there. They saw what happened. So, we began to make adjustments.

To make a long story short, we nibbled away at it over a three-year period, and at the end of three years, we had made a number of very major changes. The biggest one, though, was we set up a State Bar court, and

they have judges now. They're called State Bar judges as a result of this. They're paid about what a Superior Court judge is paid. They wear their robes. It's a very formalized affair.

I think that was our biggest change and then we put a monitor in the State Bar. He was a lawyer from San Diego and he made a number of recommendations. I can't remember what they all were. But at the end of three years we had put together a much better disciplinary process. And as a result, I used to read the lawyer magazine they put out every month and they list the number of disciplinary actions taken and they name the lawyers and some of the ones that are disbarred. The disciplinary went way up and even the disbarments went up a little bit. That shows you how effective the new laws were.

ETTINGER: Yes, they needed an external incentive, fearing the state would get involved.

PRESLEY: So that's the State Bar and it was very rough. I went around to a number of State Bar association meetings at their request to speak. It was usually they didn't like it. I would try to stress to them that we're talking about well less than 5 percent of the lawyers that are causing this problem and why do you, the other 95-97 percent, want to suffer for that? But it didn't sell with them. They didn't like it. But that's reality. Anyway, we got it and I think it's been pretty effective.

As far as the doctors I had a number of people come and say You know you've been able to do this with the lawyers Why don't you do it with the doctors? They're in need as well So I took it on and we made a number of changes there I don't remember all the specifics

ETTINGER Robert Fellmuth was he

PRESLEY He was the monitor that I had in the State Bar

ETTINGER Oh okay the State Bar

PRESLEY San Diego Children's Advocacy

ETTINGER Did he get involved in the medical as well?

PRESLEY Yes he did

ETTINGER I knew there was something that talked about a case of Milos Klvana a physician case that he got involved in According to your files the initial bill that you put in in the '89-'90 session that was going to target the disciplinary system governing doctors was withdrawn that session But then you put another one that was the key of it was sort of reporting mechanisms and something of a streamline of the California Medical Board Were a lot of the negotiations was getting that bill through a matter of negotiating with the state Medical Association principally?

PRESLEY Not so much the Association as their lobbyist here

ETTINGER Jay Michael?

PRESLEY Jay Michael yes He and I had a number of very serious discussions But yes they in a lot of ways were tougher than the lawyers

ETTINGER Really

PRESLEY Yes And that surprised me a little bit I finally figured it out that lawyers for the most part that's what they do is fight and and doctors aren't used to that Somebody who's smart ass enough to come in and want to tell them how they operate they don't like that at all because they're used to being up on this pedestal So in a lot of ways they were much more difficult

But one of the centerpieces of what we did and I can't remember all of it because there were a number of smaller things was set up a particular unit within the Attorney General's Office that just prosecuted and handled all of these errant doctor problems I used to see the guy in charge of that once in a while He was based in San Diego and he was very enthusiastic about the way it worked I can't remember his name either but I bet Bob Fellmuth would know He used to follow it

So that was it on the doctors and lawyers I've always thought we really made a contribution there You had to do it over their objections

Oh I was going to show you this After it was all over and I was leaving the Legislature I got this in the mail one day from the Medical Board

ETTINGER It's a tribute to Senator Presley

PRESLEY Yes they were complimentary after it was all over [Laughter] But it's like a lot of things people don't want to change the status quo Very

tough to change but once it's done so many times it works out for the better as it did in both these cases both these professions

ETTINGER Doctors probably defended their right to peer review and due process rights very frequently

PRESLEY Right yes Peer review was a big thing with them

ETTINGER Right in maintaining their process rights

Is this an issue that you would have had to address maybe the Riverside County medical society about? Is this something back in your district that got any

PRESLEY No It didn't come from that I'd had some people complain a little about the doctor situation one in particular I remember But from my district it wasn't a big thing The main reason I got involved in the doctors is just various people's request that had had bad experiences as a result of having done the lawyer thing That's all

ETTINGER It was just parallel

PRESLEY Yes just parallel right

ETTINGER My question was Did you get from physicians in your district did you hear from them?

PRESLEY Oh I did They were against it That's right Like I said it was like the lawyers they didn't embrace this at all

ETTINGER Let's shift back and return to an area really the bulk of your or a great deal of this interview's been about as it regards criminal justice

matters. They stayed a part of your work right up to the end of your work in the Senate obviously and beyond. But we talked earlier about sentencing reforms, battles over prison bills. In looking through the files by the late 1980s and into the early 1990s, the issues related to sentencing and criminal justice had really gotten legs with the voters and had become a big deal. Looking at some of the bills that you were carrying, they occasionally looked like they were almost kind of going against the current a little bit in the sense that I saw things in there about alternatives to incarceration for certain offenses, other times perhaps an early release bill. And my question is, Do you feel the Senate and the Assembly felt more sophisticated in their approach to criminal justice over time or less so? As it became more popular with voters, did you find it hard to get more subtle changes?

PRESLEY: Yes. As it became more of a concern with voters, then it became more difficult to take a balanced approach. You talk about those efforts, some alternative sentencing, in my opinion it was going too much one way, just keep increasing sentences and keep adding to the prison population and all of those things. I basically was for all of that except I wanted it moderated and if there were ways to develop alternative sentences which would be, in a sense, more fair and save the state money because to run this prison system I'm finding out is a very, very expensive proposition.

would have been better I think But the drive was on hard line We went through both Deukmajian and Wilson

[End Tape 4 Side A]

[Begin Tape 4 Side B]

PRESLEY They were both hard liners on crime as is Davis of course I think in every case for the most part they re sincere Although it s a very politically driven area as well because of people s feelings about their security and being safe

ETTINGER So your work on the issue sort of began before it really became large

PRESLEY Oh my work on the issue in this area started immediately when I came to the Legislature

ETTINGER Right It was less politicized in a large way at the time

PRESLEY That s right My interest and work in that area came from my background having been in law enforcement So it to me was a natural to move into the criminal justice arena in terms of the Legislature

ETTINGER But then your abilities by the 1990s to pursue these more subtle tinkering with the system ebbed You ended up in some cases putting forward bills about rehabilitation or in the Youth administration or other things that ended up in a sense kind of losing out to the larger political environment

PRESLEY A little of a moderating tone there I think would have been a little better As a result you know we have a prison system now that s well the population s around 160 000 people in prison and about 7 or 8 thousand in

the Youth Authority and 125 000 or so on parole. In this agency there are 51 000 employees. So all of that to handle this sentencing structure in the criminal justice system what I'm talking about here is just the correctional system. It's not the courts or the prosecutors or any of those kind of people. What we pay is worth it. No question it's worth it. To be relatively free of criminals is very, very expensive.

ETTINGER: To continue on about the events in the 1990s you supported the three strikes bill. Bill Jones three strikes bill.

PRESLEY: Yes.

ETTINGER: At the time I think you wanted to exempt some felonies.

PRESLEY: Let me tell you about how this and I hadn't really thought of it in terms of three strikes but over the years like the '80s in there we'd say Define what constitutes serious crime. Define the offenses and we'd say Up the penalties for that segment. Some succeeded and some didn't. But the problem was and the reason for this kind of legislation was that we for the most part were just recycling a number of these major criminals. I mean just mean people who go out and commit awful crimes. They would commit this terrible crime and they'd get arrested prosecuted sent to prison six to ten years somewhere in there and they'd be paroled out. It would repeat itself and they'd come back again. It was what I called recycling these people. You had the cost and the time and everybody involved but the more important thing was every time you

recycled somebody there was a new victim Somebody was killed somebody was robbed somebody was raped some horrible crime had been committed

So that's why when the three strikes idea came up that appealed to me as one of the ways to stop recycling these people You put them in you keep them 25 years to life and that's it We don't have all the expense of recycling We don't have the new victims And I'd had some firsthand experiences with that when I was in the law enforcement business So I knew exactly how that worked I had seen it in practice It wasn't just theory to me

ETTINGER Were you hoping to get as I said some felonies exempted from it or were you trying to moderate it in some way?

PRESLEY Yes Talk about the train's out of the station you could see that was not going to work But I had hoped that some modifications could be made later and those have not been made yet Three strikes is pretty much intact Well I guess one major change has taken place which I think is a good one and it took place by court action not legislative And that is that when the bill first passed the district attorney was the gatekeeper the district attorney could decide I'm going to prosecute for three strikes or not prosecute for something else And some of the prosecutors got overzealous and you've read the reports in the newspapers where somebody had a couple of strikes against him and he'd go out I think the

most famous one is to steal a pizza and then get sentenced to 25 to life. As a result of that, the California Supreme Court ruled not only would the district attorney be the gatekeeper but the trial court judge could have a cut at it as well, and I think that helped to moderate it a lot. In other words, in addition to the DA, the court could make sure some of these cases that didn't warrant prosecution as a third striker would not go forward.

ETTINGER: The three strike law, when it passed, there was a nearly identical initiative that was going alongside.

PRESLEY: Right.

ETTINGER: I remember at the time, looking at the press clippings, that one of the things you said about it is it's imperative for the Legislature to show face with the voters. That was polling at 80 percent, and it looked strong. My question is, do you think it was initiative-like in the sense that it responded to voter interest in a way that was not as nuanced as it should have been? We talked before about initiatives as a way to make law.

PRESLEY: I didn't like the fact that this was an initiative, and that's why I thought the Legislature ought to act. But very frankly, I think my judgment would be that if it had not been for the initiative going forward, that the Legislature would not have acted on this. It was a pretty Herculean effort for the Legislature to go this far, and I think they did it under the threat that the initiative was out there.

I recall a number of hearings where the main proponent of the initiative a gentleman from Fresno by the name of Mike Reynolds who came into it very sincere because his daughter had been murdered his 18 year old daughter was murdered and so he was very sincere in his efforts at trying to do something But as we would have hearings on the bill before the Legislature on three strikes there would be some discussion with him because he'd always show up as a witness that if the Legislature passed this would he drop the initiative effort I think for the most part the answer was yes But the fact is when it was all said and done he did not drop the initiative effort and so as a result we have it in the Constitution and it shouldn't be there Well the Legislature passed it too so it's in statute but it's also in the Constitution as a result of the initiative and that's not the place for something like this I think California has the longest thickest Constitution of any state in the country Prop 13 is in the Constitution So it's these kinds of things that get in the Constitution that makes that thing pretty thick And they're really statutory matters

ETTINGER Yes the California initiative process has its own

PRESLEY I've got to where I just vote against all of them I don't care if they're even good I just vote against them because that's not the way to make law I vote against all initiatives I vote against all bond issues because we're so overbonded We should not be this much in debt But I know

when I'm voting no that the vast majority of the people are going to vote for them so they're going to pass

ETTINGER Yes it's really become a cottage industry getting these things on and passed

Let me ask you a little bit to talk because you referred earlier to your relationship with Governor Deukmejian. You sat in the Senate with him from '74 to '78. That's when he was there. He was an ally certainly in lobbying for the stronger criminal laws and with you on the prison building legislation. In his term you carried the legislation for prison building, prison administration. I believe. Just say a few words about your perception of him as a politician and then as an executive. Memories of working with him and perceptions of him.

PRESLEY Well to start with you'll have to go a long way to find a better person, a better individual. Just a good man to put it plainly but also very conservative. He of course being very conservative he was very serious and hard nosed about crime. He wanted to not only put all these criminals in prison but he wanted to keep them there and that's why he wanted us to embark on this prison building effort that we did in the '80s. And he was in a lot of ways the driving force behind all of that. Again this was not a political thing with him. A lot of people may have thought it was but it was just sincerely felt.

What we did when Jerry Brown was governor we started increasing the penalties and making crime issues a more serious matter and began to build up the prison population. I remember this very well. When Jerry Brown was governor the prison population was about 29 000. I just told you it's 160 000 now. And what Governor Brown would do is this went on for two or three years he would put a hundred million dollars in the budget every year for prison expenditures. A hundred million then was a lot more than a hundred million today because that's twenty five years ago. I would carry the implementing bill and we'd get through the Senate okay. It seemed like we were always able to get these things through the Senate but we'd run into difficulties in the Assembly. We'd get to the Assembly Ways and Means Committee and they just couldn't do it. They just couldn't cough it up. They wanted to spend it for something else. So they'd say Okay we'll give you two million for planning. You can get some plans in place. I'd go back the next year with my hundred million dollar bill and they'd give me two million for planning. And that went on three years. I think at the end of the three years we had five or six million dollars in planning and a tremendous number of plans out there but there weren't any prisons.

That's what got us into the bonding. This went on past 1978 when Prop 13 passed and then the state's surplus money all went back to cities and counties and school districts. We didn't have any money left so

that's when we started building prisons with bonds. And about every two years, well, every election cycle, we'd have a bond issue on prison bonds. And up until about 1990, they

[Interruption]

Up until about 1990, before they, well, one failed, but it wouldn't take much effort because the mentality of folks, the way they felt about crime, and they'd see these prison bond issues to build prisons, they were for that. So, it was no trouble at all, but I think the first one may have failed in '90 or '92, right in there. Of course, we haven't tried any for years now. I don't know if one would pass now or not. Hard to say. But we haven't tried one for a number of years.

ETTINGER: Thinking of Deukmejian, and you characterized a little bit about his interest in the issues as a true conservative, how did you, for the most part, working as allies on these issues of law enforcement legislation, how would you contrast your approach to it to his? I know that there were some bills, for instance, over the issue of rehabilitation that he wouldn't support.

PRESLEY: I would say that he was more hard-nosed, the slang way of putting it, on crime than I. My approach was a little more moderate and I'd like to say a little more balanced, but his was pretty hard-nosed.

ETTINGER Do you think it was coming and we talked about some of these issues before as something that comes out of your more expertise in the area of law enforcement and understand the role that rehabilitation could work?

PRESLEY Yes I think probably you're right I had had hands on experience with it and Deukmejian and Wilson and almost all the other people involved in this had not Theirs was theory perception They hadn't had the hands on experience that I had I don't know whether that made the difference or not but that was the difference between the two of us Although it was never a big difference I approached it a little bit more moderately than he did

I recall putting together a bill that set up a commission to study prison overcrowding We could see that was coming Prison population management I think it was it called He really didn't want to sign that I'd put money in for staffing it He reluctantly signed it and then he struck the money out for the staffing and said the Department of Corrections could staff it which they did As a result we came up with a number of very reasonable recommendations although most were not enacted They were not enacted because of this strong drive out here

ETTINGER As you say it's something that continues through the present a little bit you see with the Davis Administration

The thing that kind of struck me in your files the reason I've dwelt on this for a second is conflicts were over things such as resentencing for terminally ill things that almost seem closer to the humanitarian level and

PRESLEY You know that continues to this day I've got figures here I've seen it It seems like fifty some people right now are pretty much bedridden in prison and you think golly why are we keeping people in prison that are in such condition that they're bedridden? First of all there is a humanitarian side but I'm always thinking particularly of the cost issue I tried as you pointed out tried to do something about that compassionate release area when I was in the Legislature and never could get very far with it And it's still the same For us to release somebody us meaning Corrections on compassionate release we have to have doctors saying that they have no more than six months to live We can hardly release anybody Even if we had that and even if we wanted to do it we'd have to send them back to the court for resentencing because they have to adjust the sentence And a lot of the judges won't do it So as a result we've sat here with a number of people in prison that are very very costly to us

ETTINGER Last area we're talking about today and the future interview talks about things in the 1990s and beyond relates to you as a politician In a sense you're coming from a district you came from Riverside County which we talked about a very narrowly split one elections in which you did very well with Republican voters though as a Democrat In the 1982

election when you were reelected you were actually a write in with a Republican candidate and in '86 there was a suggestion that you were hinting that you might switch party affiliation Was that a serious thought on your part?

PRESLEY Yes it was and a lot of people thought it was political I think if I were serving in the Legislature today I would do it But my problem stemmed from the fact that when I was there occasionally I'd get very discouraged with liberal positions taken by my party and I thought they didn't make sense a lot of times or that they were in a sense not moderate or balanced enough I was very serious a few times about changing and then I'd usually get talked out of it because at that time the makeup of the Senate it's not too different now was very close between Democrats and Republicans like twenty five to twenty seven Democrats twenty eight along in there The concern always was if the Republicans gain enough it drops you down below the two thirds vote So many of these issues particularly the budget you need a two thirds vote So the Democrats would use the president of the Senate you know Please don't do that We can't have that because we can't afford to lose a Democrat So they'd usually talk me out of it But I thought the Democrats then and I remember looking back they were a lot more reasonable than I think they are today because it seems to me as I've observed it from a distance now

some very liberal bent So I don't know politically if I were there now whether I could do it as a Democrat

ETTINGER I suppose if you had switched you would have lost a little bit of what power you had

PRESLEY There were two aspects to that answer If I had switched in terms of reelection in my district it would have been much easier because it leaned Republican anyway So that would have been the positive side The negative side was I wouldn't have been very effective I mean not nearly as effective as I was able to be as a Democrat as a member of the majority party For example being chairman of Appropriations I would not have been chairman of Appropriations So that was the things that I had to consider And then of course the arguments that they don't want the Democrats to go below the two thirds vote in the Senate

ETTINGER Okay Well I think that covers the things that were laid out today

[End Tape 4 Side B]

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[Begin Tape 6 Side A]

ETTINGER We just reviewed off tape the issues we talked about last time and so we re picking up mid stream here kind of in the late 80s early 90s to finish your Senate career One of the issues that I gathered from looking at your files and reading press reports that was important at the time was the rise of ethics issues in the late 80s and the early 1990s and particularly the concerns about the practice of taking honoraria speaking fees and their relationship to policymaking You ll recall in the late 80s there were FBI stings in the state certainly a lot of heavy press increase

Can you talk a little bit about this issue as it emerged in the late 80s? Did it catch legislators off guard? Was there a problem that you thought needed to be addressed?

PRESLEY I think going back a little bit before the FBI sting and all of that I don t recall exactly how long before that but I had been made chairman of the Joint Legislative Ethics Committee We thought we had some ethical problems But two that I recall specifically that we got very involved in one was the ability of a legislator to appear as a lawyer or advocate before a state board or commission and argue for their client That obviously was not a good thing As a result of some work in Ethics Committee I put in a piece of legislation to do away with that It was very tough to get

through because a number of legislators that were lawyers made extra income by doing that

Well we did that And the one case that got a lot of publicity and I don't mean it was that serious but it got carried away from the standpoint of the media involved a senator from Contra Costa County who owned some land back up in the mountains here somewhere and there was some kind of a conflict of interest involved We even had several days of hearings on that and in the end basically exonerated him because he had one individual with a following who had sort of a vendetta that they were going to get him over this It turned out to be alleged to be a lot more than it was but we spent a lot of time on it held hearings were very meticulous about it

So there was a level of ethical concerns at that time Then there were honorariums that were legal all during that period aside from conflict of interest and that sort of thing and aside from campaign contributions An honorarium was pretty much what it says I invite you Professor Ettinger to come out and speak to my group about X and we're going to give you a thousand dollar honorarium for your trouble And that became pretty common But there was just something about it that didn't seem like it was a good thing Although as I recall it I don't think we tried to legislate against that or do anything at that particular time But as a result of that and of course some pretty much blatant

campaign contribution violations the FBI did get involved And of course as you probably are well aware of there was a number of indictments and some went to prison

One that came out of that was a piece of legislation that said just simply that a legislator cannot accept a campaign contribution in the Capitol and that passed and became law I remember not long after that I was running for re election This is just a side story

ETTINGER That s fine

PRESLEY But I get this call from a person who I vaguely knew not well but I vaguely knew who he was from Riverside who had since moved to Vallejo and was in the printing business and he s a Republican So he called me up one day and appeared to be all upset that the Republicans would dare run an opponent against me yet he s a Republican and he wanted to furnish me all the campaign printing this is approaching a campaign year all the printing that I wanted done and he would contribute that to my campaign and he wanted to make a campaign contribution He said I want to come over and contribute to your campaign

So we set a time and he came over I remember very well I was on the Senate Floor so we had to wait until noon time until we adjourned briefly I went up to my office and he started to give me a thousand dollar campaign contribution and I told him I can t accept that here You ll

have to mail it or you ll have to do something and he was very persistent And I just wouldn t do it because it was a violation of the law So he left finally

I found out later that that whole thing was a setup trying to trap me into a campaign issue that they could use against me It s terrible to think that people will do that in a political campaign but fortunately I was alert enough and very well aware of the law

ETTINGER And not easily swayed in just a casual moment

PRESLEY Yes Because if I had accepted that check it would have been a horrendous campaign issue I m accepting campaign contributions in the Capitol yet! I can just see the media out there In the Capitol yet knowing it s against the law! [Laughter ]

ETTINGER Did that issue play strongly back in Riverside or was it more a Sacramento issue? For instance and this is unrelated to this example you just gave but you had a stellar reputation in terms of ethics which gave you that co chairmanship that I guess was with [Marian] Bergeson from Newport maybe?

PRESLEY I was the chairman

ETTINGER Okay the chairman But you had in 1988 a small press brouhaha over an honorarium from the California

PRESLEY Peace Officers Yes that s another interesting thing

ETTINGER That was I think in 88 Tell me about that

PRESLEY     The common amount of an honorarium was about a thousand dollars

                 We re out of session and I m Riverside I received a call one day from my secretary in the capital and she said I have a letter here from the California Correctional Peace Officers Association wanting you to come to Reno and speak to their convention which was two or three weeks away and they re going to give you a \$10 000 honorarium and I said

                 No that must be a mistake They must mean a thousand

                 She looked and she said No it says 10 000

                 So I remember flying up there One of the reasons I remember it so much is I had to fly to San Francisco and then had to fly to Reno and because there was some kind of a delay in San Francisco I got up there just in time to change shirts and run down and do the speech But anyway they gave me the \$10 000 honorarium and that became a big issue My response was and it s exactly the way I feel to this day I don t care if it had been zero I d have probably done it or if it had been 10 000 which it was I did it and it made no difference in what I was going to do in this arena legislatively Their objectives the CCPOA [California Correctional Peace Officers Association] their objectives and mine are the same build some prisons put these folks in prison So that s just the position I took and there was some flap about it

ETTINGER     Was that energy coming from outside your district though? In other words the flap about it?

PRESLEY Yes It mostly was coming from the media Well one of the things I think that triggered it—otherwise it wouldn't have been viewed too much one way or the other but there was an assemblywoman from San Diego who had never been particularly involved in correctional issues but had been a positive vote on that kind of legislation There was some vote in the Assembly that was tied up very tight I can't recall her name anymore offhand but anyway they rolled her in on a stretcher she'd had some kind of surgery to come in and vote on that bill CCPOA did that and they gave her a \$10,000 honorarium I think that's what got it all stirred up and then it came out that they had also given me a \$10,000 honorarium but the circumstances were different But I think that's what fueled it

ETTINGER And they started looking back over their payments

PRESLEY Yes and they were all fairly close in that period of time But I think it was fueled in the media pretty much by that

ETTINGER I want to talk about one last legislative focus of which there were so many in your career but something I don't think we've touched on yet which is the state contracting law In '85 you carried and passed a law that regulated the ability of state agencies to use subcontractors

ETTINGER Apparently it was evaded though somewhat regularly through the late '80s and then in 1990 you were able to strengthen it How or why was that an important issue for you? Did it come from constituents?

PRESLEY No I ll tell you as much as anything what got us into that was looking at the vast number of contracts that the state lets out there They seemed loose

ETTINGER You were the Appropriations chair

PRESLEY Yes You re the director of Corrections whatever you are and you can just contract with the moon That s what got us into it Not so much that we viewed it as a lot of irregularities at that time but the sheer volume There was so much money being spent state money with very little oversight

ETTINGER But there was bidding for most of these?

PRESLEY Oh yes Most of them Like I said not a lot of irregularities but it could just be done willy nilly and I felt and some of my staff felt that it was just way overdone that we needed to cut back needed to control it better

ETTINGER I don t know if there s any connection that you would make between the issue we talked about of the media attention to legislative ethics and the next topic but maybe there is maybe you think the energy came elsewhere but I want to talk about the term limits of Prop 140 and the interest behind it of voters and how it affected things here in Sacramento

Did you actively oppose the bill?

PRESLEY I opposed it I didn t do a lot but I was opposed to it And I publicly said wherever I went that I was opposed to it and gave all the reasons that I was opposed to it

I think term limits of course it was a national drive There was a national group trying to get various states to do it It didn't just crop up out of a vacuum here in California But it was a conservative issue Well the guy leading the charge at the time was Pete [F ] Schabarum who was a former assemblyman and 49er football player from a few years ago and at that time was a county supervisor in L A County Very conservative I think basically the thrust of their effort was to get rid of a lot of these liberal Democrats They come from these entrenched districts starting with [Assemblyman] Willie [L ] Brown [Jr ] I think he was their number one target but they never succeeded [Then Assemblyman] John Vasconcellos people like that [Then Assemblyman] John [ L ] Burton I think that was really the impetus behind that

I viewed it as something that on balance was not appropriate that we had term limits You've heard the argument and people use this We had term limits and those were called elections every four years And that really applied to me because I was in a tight registration district Now I've got to admit that if you're from Oakland and you're a Democrat the only way you're going to be kicked out is if you can get somebody from your own party to do it So I think they did have a point on that But I felt overall that if a person was doing that poorly in the position that in all likelihood would be voted out So that's term limits But if you were doing a good job and your constituents were happy with you then they

could reelect you as long as they wanted or as long as you were willing to serve

Then the other arguments were which I think to a certain extent is true it strengthens the Executive branch in government because the Legislative branch is less experienced and they're not as coequal as maybe they should be. And it enhances both staff and lobbyists because they remain in place. They're experienced and they're leading around a bunch of inexperienced legislators who then vote making the decisions but maybe not as informed as they should be.

I think for the most part those are still valid arguments. Although sitting in my position now as a bureaucrat and viewing the legislative process sometimes I'm thankful for term limits because it does move some on that in my opinion ought to move on. But on balance I believe the loss of experienced people who really know what they're doing is not good. The state's diversity it's just so complicated in every way and is so large that having six year and eight year term legislators and such a turnover I still don't think is a good thing.

It's difficult to understand the state budget. Now the average person would say Oh a budget so what? I make a family budget it's not complicated. Educational finance is extremely complicated. About the only person that I felt really understood it in the early years when I was there was Al Rodda who was a senator from Sacramento and he had

been an educator a professor But he as much as anybody understood educational finance

And then that s just part of the budget You ve got all of these other parts California has all of these various funds special funds federal passthrough funds It s complicated But on balance I always felt that we probably shouldn t have term limits

I was running for reelection that year 1990 and I was going all over and speaking to service clubs and all these different groups and I d get up and make my comments and then you d always give them a chance to ask questions I began to note and expect this The first question was going to be on that issue Senator what do you think about Prop 140? And of course I also knew by this time that if they re asking the question they re for it So I d start giving them all the reasons that I thought it was a bad idea which I ve just gone through with you and they sat there scowling at me But then after it was explained I d say You can just discount everything I just said because it s going to pass and then a big smile would show on their face You couldn t defeat it

ETTINGER Yes the polling was pretty clear that it was going to pass

PRESLEY Oh yes

ETTINGER What was the mood like in Sacramento though after it passed among fellow legislators? What was the mood like then?

- PRESLEY They just accepted it. As you may recall, it cut the budget of the Legislature by 40 percent. That was where the most pain was felt.
- ETTINGER Yes, legislative staff was cut very dramatically.
- PRESLEY It took a while for it to sink that terms are going to be limited, but the most immediate effect was they cut the budget by 40 percent. We had to deal with that fast. So, it was a shocker.
- ETTINGER I seem to recall, at that point a lot of your energy was going into still the Joint Prison Committee, and you guys had a decent sized staff. If I read some files right, I think you were able to preserve the size of that staff for a year or so.
- PRESLEY Yes, I don't think we lost too many.
- ETTINGER But that really must have been an effect that was felt.
- PRESLEY Yes. In Appropriations, I don't know what it's like over there now, but you hear bills on every subject. I had a person that did education, a person that did environment, I had one that did the legal issues, one that did health, and I really had a team there. You would say they were experts in their fields. They could analyze those bills and give you facts. But you lose that when you lose all that experience, what is called institutional memory.
- ETTINGER In the fall of '94 then, you were talking about reelection, or you were talking about reelection before the fall of '94. I should say. But you chose

not to run in '94 which would have pitted you against Ray [N] Haynes in a redistrict. How'd you come to that decision?

PRESLEY The redistricting pretty much made the decision for me because it became so much more Republican. I had all kinds of arguments from even a lot of Republicans that "You'll win anyway."

Well, I might have. I don't know. But my view was I've got to raise a ton of money to do it, and I didn't want to do that. That's one of those things I never liked to do was raise money. So I didn't want to do that and I just figured, "Why go through all of that just for one more term?" It wasn't that Haynes was viewed as any kind of a strong candidate except that he was a Republican. Of course, the registration was so heavily Republican, and I'd found over the years that it didn't matter who the person was, it's the party affiliation, not everybody but for a very high majority of people. So I knew that not because of him as an individual but because of his party affiliation that it would be a very difficult race and cost a lot of money.

Then I thought the Board of Equalization looks pretty good. I'll just give that a try. I should have won. It was a little disadvantage in that I think there are twenty-nine counties or something. They were pretty much Central California, and one over on the coast took in Santa Barbara, San Luis Obispo. The reason I said I should have won is it was a 2 or 3 percent Democrat registration advantage, but the problem was that was the

year of the Republicans all over the country Newt Gingrich came in and the Contract With America and all of that and that basically is what lost that race for me

ETTINGER That was kind of a Clinton backlash vote in '94

PRESLEY That's right I always recall on election night I think they started giving the election results starting on the East Coast and Cuomo and Ann Richards and all of those who were Democrats who had been around were all going down the drain and I thought no way because you get to a little race here that nobody understands what it even is and I know what they do They go down that ballot and they just mark the Republican I'm a Republican I'm just voting for all Republicans or I'm a Democrat and I'm voting for all of these Republicans this year because I don't like what's been going on So I think that's what happened

ETTINGER It was an unusual year

In retrospect if term limits hadn't been affected in '90 is there a good chance you might have stayed and battled?

PRESLEY Yes I might have I had all kinds of arguments from people there and mostly Republicans that I could have won They still tell me that [Laughter] Still

ETTINGER Well when you did come out of that November election without an elected position I don't suppose you gave any serious thought to retiring You were about 70?

PRESLEY Yes No I didn't think much about it I didn't really have much of an idea of what I would be doing because frankly up until a couple of weeks before the election it was looking pretty bleak but up until then I thought I'll win that okay

Almost immediately I was contacted by the university and asked to take a position with them

ETTINGER The University of California Riverside

PRESLEY Right They wanted me to work in their Engineering Department They were into a lot of law enforcement technology and they asked me to head up that part of it

ETTINGER The Center for Crime Control and Public Safety Technology

PRESLEY Yes So I did that and I never really got into it in a very big way because I was there a little less than six months Oh I have to go back a little bit

I had been talking to Governor Wilson and Bob White his chief of staff two or three times and Wilson had indicated to me that he'd like to have me as part of his administration So then after that election didn't turn out I talked to Bob one day and he said yes they wanted to pursue that Of course in the meantime I'm at the university I knew that they were discussing various possibilities and then one day I received a call from him and he wants me to be chairman of the Youthful Offender Parole Board Very frankly I didn't find the university terribly exciting It's

okay but the pace was a lot slower than I was used to so I just said Fine  
yes I ll do that I hated to cut out on the university that soon

ETTINGER Until July I think It was January to July

One of the questions I was going to ask you is how did it feel  
shifting your energies from the Legislature to the academic world?

PRESLEY Oh a shock I was used to charging full bore with a variety of issues  
going on at one time to where it was much slower It took some  
adjusting

ETTINGER I just can t imagine a much more abrupt transition frankly Let me ask  
you a little bit about the move into the Youthful Offenders Board At least  
the press accounts I ve read suggested as you suggested there were other  
spots they were thinking about maybe Fish and Game COAA etc  
There was also speculation in the press at the time that the Wilson  
Administration was reaching out to you in small part perhaps because  
you talked about going for an Assembly seat in 96 You remember what  
I m talking about

PRESLEY I remember some press

ETTINGER Ted Weggeland s Assembly seat and there was interest in that

PRESLEY I don t think that was it at all I know that was speculated I had some  
Democrats after me to do that but I could not get serious about that

ETTINGER Running for the Assembly?

PRESLEY Yes after having served twenty years in the Senate I never gave that any serious consideration

[End Tape 6 Side A]

[Begin Tape 6 Side B]

ETTINGER Go ahead

PRESLEY But the press speculation was there Pete Wilson and I never talked about that at all It was just something we had talked about much before even before I left the Senate about being a part of his administration I think it was just a sincere effort on his part to bring me into his administration to the extent that he could me being a Democrat He can't get too carried away and he can't make me his chief of staff That's not going to sit well with the Republicans I think he brought me in at I think he thought a level that would be okay And it was As far as I know nobody got upset about that

ETTINGER Tell me a little bit about the Youthful Offender [Parole] Board work Obviously in terms of your legislative interests from the late '70s on that was just really central juvenile crime offenders When you took over the board what did you find? Was it something that you felt the need to exert changes in approach or philosophy?

PRESLEY There wasn't a lot in terms of procedures to change Those procedures had been in place for a long time They've all been tested and work well The thing that applies there is philosophy It's a philosophy thing You're

a quasi judge in a way and you've either got a philosophy that tends to the conservative side or you've got one that tends to the liberal side and you make those judgments based on that

Another way I looked at it was this is practical experience in a way because now I'm in a position to execute a lot of the laws that I worked on as policy for twenty years. A lot of the legislation that we've been putting together as policy now we're at the execution level and you act as I do here you actually execute it. So I found that very interesting and enjoyable

ETTINGER Describe the process real briefly to me. Did you meet episodically then and regularly with the full board?

PRESLEY It is a seven member board six members and a chairman. And there are four or five hearing officers that supplement the board because the board can't hear all of the cases. We'd have periodic meetings with all of them and most of those meetings are just making sure that all the processes and procedures and everything is going as it should. Because it's very legalistic you've got to make sure everything's done legally. And that's about what all of that amounted to

Then we'd meet as a board quite often as a full board and that's what is called a full board en banc. That's when you take a number of major cases serious crimes where the panel that heard the case they're like two members or three members. It's broken down by

seriousness of the offense. The more serious the offense, the more hearing members you need. Say it's the two of us sitting on the parole board, and this person is coming in for parole or we need to give him some more time because he's not programming or he's fighting or whatever he's doing. But we, as a two-member board, can't give him the amount of time we think we should give him, so you refer it to the full board en banc. The full board en banc has total power to do the hearing.

So we'd meet quite a bit, the full board en banc, but most of the day-to-day parole work is done by two to three member panels around the state. As chairman, I had overall responsibility for the board's operations, but I had an executive officer that did a lot of the nitty-gritty. As a result, I was able to get out a day or two a week and do hearings.

So that's the way it works and works well.

ETTINGER: I should have known this, but it just occurred to me I don't. Is the parole board—were all the spots on it Wilson appointees, or is it staggered? Were there leftovers from other administrations?

PRESLEY: No, they were all Wilson appointees. They're staggered, but Wilson had been in long enough that they were all Wilson appointees.

ETTINGER: Was it, at times, a contentious experience?

PRESLEY: Once in a while. Not much. We only had one member, as I recall, at the time that was viewed as real liberal, and he was pressured something awful. But he was a good guy. Thankfully, he had the courage of his

convictions. The philosophy of most of the members wasn't all that different. I guess they were all Republicans except me, but my philosophy was just about the same as theirs or maybe a little tougher sometimes because I'd had the law enforcement background and I'd been a legislator for a few years. In that area I was just a Republican.

ETTINGER: You were a known quantity to Wilson, for sure, in terms of crime issues.

PRESLEY: Yes.

ETTINGER: It's interesting because it kind of resonates a little bit with the present moment and the present governor's parole policies.

Did Wilson accept recommendations? Did they go through his office?

PRESLEY: A certain number of them, not many, go through his office. A few. There are two parole boards. The other one is the Adult Board.

ETTINGER: Right.

PRESLEY: More of the Adult Board's go through the governor's office than the YOPB, but some from the YOPB did. He approved every one we sent him while I was there. I remember, we were very thorough in those hearings, very careful, and he approved every one of them. I don't know what he was doing at that particular time as far as the Adult Board. But yes, as far as the YOPB and the governor, it was a thousand percent.

ETTINGER: So you took a little satisfaction in the sense that some of the legislative pursuits put a fair amount of rehabilitation into the Youthful Offender.

program. You felt like you were seeing the fruits of that in the parole board work? Does that make sense or am I putting words in your mouth?

PRESLEY Well, to some extent, but really what you're looking at as a member of that board is the balance: rehabilitation to some extent, retribution, or serving your time, or paying your debt. That's all very important because some of the things that those people do, when you read it, you'd like to hang them right on the spot. It's so awful, some of the things that they do to other people.

Of course, the Youth Authority, as opposed to the CDC, is more oriented, as it should be and by law, to rehabilitation. They have more programs that try to rehabilitate people. So, that's a big part of it. If you can rehabilitate some, that's always very satisfying to be able to do that, to see some of them make it. But it's not that high. It's frustrating. It seems like everything you do, nothing's going to work. They're into crime, and they're always going to be into crime, and you can't do much.

ETTINGER I wanted to finish off by talking about your present position and your appointment to it as the director of the California Youth and Adult Correctional Agency. I'm not going to press you long on this issue since it's something you're still involved with, but I thought you could take a moment to reflect back on assuming leadership of this agency. It was a system that was, in some ways, well, also, in some different ways, kind of, at some level of a crisis, I guess, but it was a system that certainly, at

the time you took over was in something of a crisis. What did you see as the main problems facing the prison system when you took over?

PRESLEY: Going back a little bit, this is a position that I kind of wanted when Wilson was governor because I'd worked with the people over here from my position there in the Senate. This is the position that I really wanted Wilson, of course, because of what we said earlier, he can't get too carried away because of the Republican Party. I don't think he could ever have gotten away with appointing me to this position. So then when Governor Davis was elected governor, then he appointed me, which was very satisfying to me because that's where I'd wanted to be for a long time.

When I first came in, well, almost immediately we had problems with some Youth Authority facilities. One in particular is in Ventura. It's a boys and girls facility. I hardly had a chance to get the seat warm and that's on your desk. We ended up making some pretty hard calls there and fired the superintendent and the assistant superintendent and some other people. Then we had to establish some minimum standards. There are eleven of these CYA institutions and we established some minimum standards that we wanted them all to adhere to.

ETTINGER: You mean for employees or in terms of behaviors?

PRESLEY: In standards of performance that the employees have to perform. We had the chief deputy of CYA at the time, charging him with the responsibility. You take these standards. You go to every institution in this state and

you make sure you've inspected it in every way you can that they're meeting these standards. He certified back to me that they were all meeting those standards. So that was our immediate crisis.

ETTINGER: And were those standards getting back to the problems that were going on, were they related to guard interaction with inmates primarily?

PRESLEY: Everything. Just across the board, whether it's food service, medical, delivery system, relationships between correctional officers and inmates. All of that.

So then we finally got that one under control, and it wasn't long after that we were hit with a big sex scandal out of the women's prison in Southern California.

ETTINGER: Chino?

PRESLEY: Frontera, it's called. It's between Corona and Ontario, and it's called Frontera. There were problems between employees and inmates, so that took a lot of our time and effort. We must have ended up prosecuting, discharging, and retiring something like sixty people.

ETTINGER: Goodness.

PRESLEY: It was bad.

There are always crises in this agency, but those were two of the major ones we had to deal with almost immediately.

We have wardens' meetings, superintendents' meetings, every other month or every quarter. I recall telling them that our objective should be

to get us off the front pages of the newspapers that we're doing good work when we're not in the news and that's a fact. If we're not in the news we're doing pretty darn good work because when we get in the news is when we do bad work and that's what we've been experiencing a lot of.

So I think for the most part we pretty much succeeded at that. I don't know if you paid much attention back in the '80s and '90s of how much the state prison system or state Youth Authority system was publicized but I did because I was over there and there was a lot of it. For the most part you don't see much anymore. I read these people who write letters to the editor complaining. Most of them I suppose are people who had a relative in prison because they had some knowledge. You don't see much of that anymore. A little bit. You can't totally stop it.

For the most part it runs fairly smoothly. It's so large. There are 51,000 employees in this agency and you've got the eleven Youth Authority facilities I just mentioned and thirty-three state prisons and building another one so we'll have thirty-four state prisons all over the state. It's just so massive to operate well enough that you're staying out of the news is pretty good I think.

ETTINGER I guess you dealt with getting my timing right here was the issue of lethal force at Corcoran.

PRESLEY That was right after I came in That was the issue

ETTINGER That was one of your first things there

PRESLEY Immediately we had to face that because we had just gone through all those hearings where some guys had been beaten up took them off the bus You probably read some of that Yes that was almost immediate and that s when we adopted the firearms policy that s in effect right now which is good and it s bad I think on balance it s good

ETTINGER You re referring now to the policy of not using lethal force?

PRESLEY Yes If for no other reason it saves lives But the downside of that is that inmates they re not dummies Most people think these people are dumb Most of them are pretty darn smart In fact they think they re too smart to work for a living That s why they re where they are They figure out pretty soon that you re not going to shoot them and kill them so they can do more violence Violence against our staff people has increased and that s not good But on balance at least we re not killing people

ETTINGER California was a little at least according to some of the stuff I read a little out of step with regard to other states in terms of that issue

PRESLEY Quite a bit

ETTINGER When you think about it what do you attribute that to in terms of this climate that you inherited as an administrator? Was it the rapid growth? If there was some sort of problem was it a training problem? Was it the quality of staff? Was it just a lack of standards?

PRESLEY      Probably growth of the system. You know, they grew so fast, and the training didn't keep up. The standards weren't enforced. There were no really tight statewide standards. Each prison kind of had its own way of operating. There's certain things that are more conducive to, say, San Quentin than to San Diego prisons. But for the most part, statewide standards would work and would apply. But at that time, it was pretty much each prison did its own thing, and we've done a lot to change that. We still recognize there are some things, like I say, that are more conducive to one area than another, but for the most part, we have statewide standards.

ETTINGER    I guess a second major problem that you inherited wasn't something that you could get rid of by fiat or by doing anything here, right? which was overcrowding. That was already a problem in the prisons. Could you talk a little bit about that as you inherited it?

PRESLEY      I inherited it, and I contributed to it when I was a legislator. Of course, not only inherited it and contributed to it, but we're trying to avoid it by building more facilities, and we still have it. We're down about 4,000 from where we were a couple of years ago, but that's primarily because of a drop in the crime rate the last four or five years, and that's now beginning to change. The crime rate, if you've noticed, is beginning to inch back up. We noticed that that's already being reflected in our prison population. It's beginning to creep back up. So, while we've had a little

respite of a drop of about 4 000 in the last couple of years I think we d better enjoy the moment because I don t think it s going to last And we will probably be overcrowded in the foreseeable future

We re under construction down by Bakersfield with the thirty fourth prison and what our need is now is for the more violent serious offenders That number is increasing and the less violent less serious are decreasing So our prisons are becoming more hardcore and that s why we need the prison we re building in Bakersfield A lot of people argue we don t need it Well we do because we re so crowded with this serious offender/violent offender type people I don t know exactly at the moment but I m guessing we re somewhere around 185 percent of capacity which means still very very overcrowded

We have a crisis at the moment and that is because of the budget situation not only in the state but in the counties L A County contributes like 38 percent of the population to our prison system from one county and because of their tight budget problems they re closing down some of their jail capacity What that means is those 38 percent are going to start coming to us a lot faster and they are They ship them to us by the busloads and those busses are showing up fuller and faster now because they want to get them out It s causing us big overcrowding in our reception centers So that s a complicated problem

ETTINGER One of the things that was I guess a continuity of what you'd done as a legislator is having to deal with a lot of different stakeholders or a lot of different points of view about the system. That certainly is something that falls to you now as the agency secretary. You've got victims' rights advocates. You've got the infrastructure and the laws that govern most everything you do, but then outside of that you've got victims' rights advocates, you've got prison reform voices, you've got the courts, you've got political leaders. You've got a lot of pressures here. Did it take you a while to get your bearings in that new capacity?

PRESLEY No. Because you've got the same thing in the legislature except maybe different players. It's a different set of players for the most part, but it's the same thing: different various groups trying to impose their will on you. It's more frustrating here for me because in the Senate you expect it. You have these various groups that are trying to mold policy to their view and that's the way laws are made. It's just the way it is and the way it ought to be. People should have their input. And not to say they shouldn't have their input here, but here, in this position, this is the Executive. This is the Executive branch of government. We're administering this system. We're not making the laws. We're not making the policy. We have a system to administer.

All those people you mentioned, and more, that we have to deal with, it's more frustrating. First you start with the Department of Finance

We've got to deal with them. I always call them Dr. No, they're 'No' to everything because you've got to have a budget. Then you have the budget committees and the Legislature that you have to deal with. Then so many of our people have to be confirmed by the Senate. So many of them are appointees to these parole boards and directors. So many people are appointed that we have a lot to contend with with confirmations.

Then you have the courts. The courts get a lot more active in this field, in my opinion, than they should. The courts should not be trying to run prisons. The courts should make sure that people aren't being mistreated and that there are humane conditions. But they get into all kinds of nitty-gritty. Then there's the media, which, in a sense, is okay that's their business, and they like to do that.

And then the union. The union, in my opinion, and that happened long before any of us were here, they got more involved in operations than they should. I always thought unions were what are called bread and butter issues: salaries, fringe benefits, vacations, benefits for the employees. But they're clear into how many people you have on a shift and whether or not you can assign these people there because this one has more seniority over this one. That's too much.

ETTINGER: And it's sitting right handy on your desk.

PRESLEY: Yes.

ETTINGER Just looking back to something we talked about the reforms that were put in place at Corcoran and those sorts of things the union probably weighed in pretty strongly on those reforms Or was that much of a battle?

PRESLEY Most things like that that are major that are commonsense they re pretty good They understand It s a lot of these little nitty gritty working conditions where I found a lot of problems with them I just think they re in it far deeper than they should

What compounds the frustrations in that area is the state s negotiator is the Department of Personnel Administration They negotiate all these union agreements In my opinion they should be tougher But whatever they agree to becomes part of this and we have to adhere to it

So you ve got the unions and then you ve got I mentioned the courts You have victims rights groups I understand Victims rights groups are a little like the Legislature They should have their input Then you have the people who for the most part don t think anybody ought to be in prison They ve got their issues Then there s always a group out there that don t understand they understand but they don t profess to it that we re not running a hospital we re not running a mental institution we re not running a country club we re running a prison And there s all kinds of people the Legislature and other people who don t seem to understand that They want too much given to these people It

comes back to the fact that we're running a prison not a hospital not a country club. There's conflicts out there all the time.

ETTINGER: One of last things I want to bring up is that the prison population is aging.

PRESLEY: Yes.

ETTINGER: And the demographics are getting more difficult. How do you see that issue playing out? Granted, you're running a prison and not a hospital, as you say, but how does that challenge the agency?

PRESLEY: We have the plans in place to do this. It always takes money to make some major changes like that, although it's like an investment. Down the line, it's going to save money. But what we are proposing to do is take one prison, and in my opinion, it should be San Luis Obispo, and maybe at a geriatric prison. There's a number of reasons why you have to pick a certain area for a prison like this. One is you want a community where the quality of life is pretty good and you can attract doctors, psychologists, psychiatrists, nurses, teachers, and all those kinds of people. That's why I think San Luis Obispo would be good for that.

We've talked about various ages. You can talk about 55 or you can talk about 65, wherever you want to set it, and put those kind of people there. What it does is it makes their life a little easier. Not that that's our purpose. The purpose is punishment, but it makes their life a little easier. Their crime may have been recent, out of some stupidity or passion or something, or it could be long range from back when they were younger.

and still serving time But when they get to this age for the most part they just want to do their time and read a book or leave me alone and not cause problems So if we can get them all in one setting oh but as you get older most of the time the medical costs are going to go up and that prison has a 100 bed hospital So it's ideal to do it over there And then security doesn't have to be quite so tight because they're not that criminally minded anymore They're not out there trying to climb the fence

[End Tape 6 Side B]

[Begin Tape 7 Side A]

PRESLEY But anyway the medical costs are more on the one hand but the security costs are less It will make it easier for us to administer so I think we're moving in that direction And with the Three Strikes law we project that that older population's going to keep going up Twenty five years is a long time and that's a minimum twenty five years minimum So if you're twenty five years old at least you're talking about fifty Or if you're thirty five years old you're talking about what sixty?

ETTINGER The prison growth was heaviest in the the building construction was heaviest in the 90s and it's trimmed down a little bit At one point I think your last year in the Senate or so you referred to the correction system as the Pentagon of California [Laughter]

PRESLEY I still say that

ETTINGER In the sense that it was just taking a larger and larger part of the budget  
And some critics of the growth of the prison system took that analogy up  
and said Well just like the Pentagon there s a prison industrial complex  
in California in which various groups have a financial interest in  
perpetuating prison growth I guess you took on that criticism in the  
90s but do you think that there s any in the position you re in now  
maybe any danger other than the fact that the prison industry has  
become

PRESLEY No I didn t think that and I don t think that was true at the time We re  
building those prisons because the prison population was just  
skyrocketing They were needed They were needed then they re needed  
now It s because of sentencing laws and demographics That s what  
does it There s no big conspiracy out there

But you know that s what the various writers and media people  
have said but I never have seen any evidence of that I m sure big  
contractors I m sure it s in their interest to see this go But when I was  
making policy I never had them beating on my door saying Hey let s  
build more prisons They were just out there building them because the  
state was contracting with them to do it Now we re hardly building any  
I don t see any of them now really But I never have thought that was an  
issue

ETTINGER Looking back now taking a real broad sweep back on all the stuff we've talked about in these four sessions from your work as an undersheriff to your work in the Senate to the Parole Board to here they're all different in a way obviously and different satisfactions but what do you think about is a highlight for yourself in terms of the different periods in which you've worked? Or is there a period in which you felt most effective or most rewarding?

PRESLEY I had those years in law enforcement and then the political arena and now the parole/correctional area which is in my view still part of the criminal justice system What was totally different is the political side I would have to say that was the most rewarding if I can use that word mainly because of the forum you have and your ability to make changes I think that was probably the most rewarding period

And it's so different It's something you can never explain to anybody but the political world unless you're there It's hard to explain

ETTINGER Getting a sense into the Legislature you find things are a little more fluid in the sense that you might get frustrated but you also might make some progress

PRESLEY Yes It's a real give and take arena And you can't get very angry at anybody because today they're voting against you but tomorrow you may need them to vote with you A lot of the legislative probably a lot more so when people could serve for a longer time than now but a lot of

legislative success depends on relationships how well you get to know people

I recall one night I was presenting a bill in the Senate Judiciary Committee It wasn't a big bill but I just can't remember what it was But it was so odd I presented that presented my witnesses and it came time for somebody to make a motion and there was no motion and that's one of the worst things that can happen to a legislator You feel like you want to drop through the floor if you've done all of this and you haven't even made enough of a case even to get a motion

I'm standing there and no motion and I said something like Get with it I said You can't do that Everybody just sat there and finally John Doolittle that's why I remember it so well John Doolittle was a member of the committee and John said Well I'll give Senator Presley a motion The one from whom you would expect the least bailed me out

That's why it's such a business of relationships a lot more then I think than now because they're not there long enough When I was there we knew each other for years a number of years and you spend so much time in the same building that you really get to know people You get to know them personally You get to know their philosophies well But John Doolittle did that just because we were pretty good friends I ended up getting that bill signed by the governor

ETTINGER From the brink

PRESLEY Yes Almost lost it right there in the Senate Judiciary Committee

But anyway that s a long way around to answer your question I think the most rewarding and the most interesting would be the legislative side of it Although I find this very satisfying The correctional system is so massive in California by far the biggest in the country maybe the world Some people say the world This is certainly the largest in the United States I think what I like about it so much is it is such a challenge just to try to pull it all together and make it all mesh and make it work and like I say keep us off the front page

ETTINGER Stay out of the news

PRESLEY Do it well enough that we re not in the news So it s a very satisfying thing very pressured and very busy

ETTINGER Well thank you very much for all of these hours you ve given us

PRESLEY Good

[End Tape 7 Side A]